

Agenda

Environmental Protection Commission

RECORD COPY *EPC Meeting*
File Name *ADM-1-1-1 May 1995*
Senders Initials *JS*

May 15, 1995
10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

Agenda topics

1. Approve Agenda
2. Election of Officers
3. Approve Minutes of April 17, 1995
4. Director's Report Larry Wilson (Information)
5. Monthly Financial Status Report Stan Kuhn (Information)
6. Household Batteries Information Teresa Hay (Information)
7. Monthly Reports Allan Stokes (Information)
8. Air Program Status Update Allan Stokes (Information)
9. University Hygienic Laboratory Agreement - Air Quality Stack Testing Allan Stokes (Decision)
10. Agreement with City of Decorah Allan Stokes (Decision)
11. Emergency Rule Adoption--Chapter 111, Landfill Financial Responsibility Allan Stokes (Decision)
12. Notice of Intended Action--Chapter 61, Water Quality Standards, Corps Regional Section 404 Permit Allan Stokes (Decision)
13. Final Rule--Chapter 61, Water Quality Standards, Stream Use Designations Allan Stokes (Decision)
14. Final Rule--Chapter 22, Air Construction Permits Allan Stokes (Decision)
15. Final Rule--Chapter 20, 22, 23, and 25, Air Quality Allan Stokes (Decision)
16. Proposed Rule--Chapter 22, Background Values for PM-10 Allan Stokes (Information)
17. Notice of Intended Action--Chapter 20 and 22, Revisions to Voluntary Operating Permit Rules Allan Stokes (Decision)

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| 18. | Notice of Intended Action--Chapter 22 and 23,
Standards for Hazardous Air Pollutants | Allan Stokes (Decision) |
| 19. | Proposed Contested Case Decision--James Brock | Allan Stokes (Decision) |
| 20. | Referrals to the Attorney General
(a) Curry Environmental Services, Inc. (Milan, IL.)
(b) Terry Beaird, d/b/a Curry Environmental
Services, Inc. (Marion)
(c) Paul Underwood, d/b/a Underwood Excavating
and Demolition (Cedar Rapids) | Allan Stokes (Decision) |
| 21. | Legislation Report | Don Paulin (Information) |
| 22. | General Discussion | |
| 23. | Address Items for Next Meeting | |

**Next
Meeting
Dates**

June 19, 1995

July 17, 1995

August 21, 1995

ENVIRONMENTAL PROTECTION COMMISSION

Monday, May 15, 1995

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Don M. McCormick	CITY OF DECATUR	DECATUR
Jerry Friend	"	"
DANNY VEST	GROWMARK	Bloomington, IL
Joe Robertson	Marshall Co Landfill	Marshalltown
Ferry Beeman	DM Register	DM
Christopher D. Hess	EPA	Kansas City
Theresa Keloe	IA Senate	DSM
Darlene Kruse	Legislative Fiscal Bureau	DSM
Steve Roberts	DMIS LAW - PRNA	Des Moines
Jane McAllister	Ahlens Law Firm	DSM
Rick Kelley	UHL	DSM
Chris Gault	Farm Bureau	DSM
Jenny Tyler	IA Hospital Assn.	Des Moines
Bill Behan	Idere	DM
John Eichelberger	Stanley, Land & Hunter	Des Moines
JOE NETTETON	SARSBURY	CHARLES CITY
Dennis Carroll	Quad City Times	Des Moines
Jack Clark	Iowa Utility Assoc.	Des Moines

RECORD COPY EPC Meeting
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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

MAY 15, 1995

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Acting Chairperson, Rozanne King, at 10:00 a.m. on Monday, May 15, 1995, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
Kathryn Draeger
William Ehm
Rozanne King, Secretary
Charlotte Mohr
Kathryn Murphy
Gary Priebe
Terrance Townsend
Michael Fesler

Director Wilson noted that Kathryn Murphy called and she will be about 15 minutes late due to a detour caused by a train derailment.

ADOPTION OF AGENDA

Director Wilson stated that representatives of the City of Decorah asked if Item#10 could be moved up to an earlier time on the agenda and he recommended that the Commission accommodate their needs.

Motion was made by Gary Priebe to approve the agenda as adjusted. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS AMENDED

ELECTION OF OFFICERS

Acting Chair, Rozanne King, called for nominations for the position of Chair.

Gary Priebe nominated Rozanne King for Chair. Seconded by Verlon Britt. William Ehm moved to cease nominations and the secretary cast a unanimous ballot for Rozanne King.

ROZANNE KING ELECTED CHAIR

Chairperson King opened nominations for Vice-Chair.

Charlotte Mohr nominated Gary Priebe for Vice-Chair. Seconded by Verlon Britt. Charlotte Mohr moved to cease nominations and the secretary cast a unanimous ballot for Gary Priebe.

GARY PRIEBE ELECTED VICE-CHAIR

Chairperson King called for nominations for Secretary.

Gary Priebe nominated Charlotte Mohr for Secretary. Seconded by Terrance Townsend. Terrance Townsend moved to cease nominations and the secretary cast a unanimous ballot for Charlotte Mohr.

CHARLOTTE MOHR ELECTED SECRETARY

APPROVAL OF MINUTES

Motion was made by William Ehm to approve the meeting minutes of April 17, 1995, as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

AGREEMENT WITH CITY OF DECORAH

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve an entering into an agreement with the city of Decorah, Iowa for investigation and remediation of groundwater contamination resulting from activities of a third party which are impacting on the City's drinking water supply.

The City of Decorah discovered the presence of Perchloroethylene in one of their water supply wells in 1992. The City subsequently discontinued pumping that well. The Department conducted a preliminary investigation and prepared a report in 1994 which indicates the source of the contaminants to be a nearby dry cleaning establishment. The report concluded that the aquifer utilized as a city water supply source was threatened and that further investigation and remediation was necessary. The proprietor of the dry cleaning establishment claims financial inability to perform the necessary work.

It will be necessary to retain an outside contractor to accomplish this task. Under this agreement the City would select a qualified contractor and manage and administer the contract for the required services. The City is best able to manage these activities due to their proximity to the site and their familiarity with contract administration. The department would provide funding up

to \$150,000.00 from the State Abandoned and Uncontrolled Hazardous Substance and Hazardous Waste Remedial Fund to pay the costs associated with the required work.

AGREEMENT

Between

The Iowa Department of Natural Resources

and

The City of Decorah, Iowa

PURPOSE

The Department of Natural Resources (hereafter referred to as DNR) and the City of Decorah, Iowa, (hereafter referred to as the City) enter into this agreement for the purpose of initiating remediation and conducting additional investigation of the contamination of a city well, known as city well #5, which is a source of potable water for the City. The contaminant of principle concern is Perchloroethylene (hereafter referred to as PCE) which is believed to originate from the area of a business establishment known as "Classic One Hour Dry Cleaners", located at 125 College Drive, Decorah, Iowa.

METHOD

The City may utilize the services of a consultant/contractor, City staff, and DNR personnel to install temporary wells within the area of the known plume at the earliest practical date for the purpose of pumping contaminated groundwater to waste; to conduct additional investigations of the area deemed necessary to identify the extent and amount of contamination present; to provide data and information necessary to select, design and implement a complete remediation program, if necessary.

RESPONSIBILITIES

The City will be responsible for selecting the consultant/contractor, and paying for those services in accordance with policies and procedures the City normally uses for hiring professional services. The City will keep accurate and complete records of all expenditures, both monetary and in kind services, directly related to this project. Any monetary or in kind assistance provided by DNR, the dry cleaners or any other source shall be identified in the records and shall not be included in any request for reimbursement.

The City shall submit a report to the DNR any time significant information becomes available, but in no case shall the interval between reports exceed 45 days. The City agrees to consult with the DNR prior to the initiation, cancellation or revision of any significant work effort performed by The City or the contractor.

The City may submit payment requests, with accompanying documentation of expenditures at the end of each calendar month or any other mutually agreed upon date.

The DNR agrees to give favorable consideration to any request for assistance in data collection that is reasonably within the capabilities of DNR staff and equipment resources. DNR will review reports and other data or information submitted by the City and provide the City comments within ten (10) working days of receipt.

TERMS OF AGREEMENT

The DNR agrees to reimburse the City with money from the States hazardous waste remedial fund pursuant to Iowa Code 455B.423 for reasonable costs associated with implementation of activities prescribed in the March, 1995 document entitled "SCOPE OF WORK- PCE CONTAMINATION OF GROUNDWATER-DECORAH, IOWA and in accordance with the provisions stipulated herein.

This agreement shall remain in effect until terminated by the parties. This agreement may be canceled, extended or amended at any time by mutual agreement of the parties. This agreement may be terminated by either party by providing the other party with thirty (30) days written notice of the intent to cancel.

The DNR contact for issues relating to this agreement and the work pursuant thereto is Lavoy Haage, Chief of the Solid Waste Section and the City contact is Jerry Freund, City Administrator.

All work authorized by the City pursuant to this agreement shall be for the purpose of investigation, remediation, containment or removal of the contaminant plume and its source. Ancillary costs resulting from actual or potential impacts on public or private property will not be reimbursed by DNR unless this agreement has been amended to authorize a specific expenditure.

The City's' requests for reimbursement shall be submitted to DNR, Budget and Grants Bureau, on signed claim voucher forms provided by the DNR and shall be accompanied by an invoice when the charges are the result of goods or services provided by a third party. The DNR will process and forward such requests to the State Treasurer within five (5) working days or will contact the City if additional information or clarification is needed.

The amount of funds authorized for reimbursement to the city pursuant to this agreement shall not exceed \$150,000 unless authorized by an amendment agreed to by both parties.

Larry Wilson, Director
Department of Natural Resources

Date

Donald R. Wurtzel, Mayor
City of Decorah

Date

Mr. Stokes explained details of the agreement and presented a history of the situation.

Discussion followed regarding the contamination zone, the time frame for remediation, how cost reimbursements will be made, and previous cases where these funds have been used.

Kathryn Murphy arrived at this point in the meeting.

Motion was made by Charlotte Mohr to approve the Agreement with the City of Decorah with departmental funding up to \$150,000. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

NEW COMMISSIONERS - KATHRYN DRAEGER AND MICHAEL FESLER

Chairperson King welcomed Kathryn Draeger and Michael Fesler to the Commission.

DIRECTOR'S REPORT

Larry Wilson, Director, stated that the department would like a new photo of the Commission; the Commission agreed to have it taken just prior to lunch break. Director Wilson distributed the latest edition of Waste Matters and expressed appreciation to Teresa Hay and her staff for their fine work on this publication. He welcomed the new Commissioners stating that he is looking forward to working with them and also extended congratulations to the new officers.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the YTD division-level expenditure status report as of 4/30/95. Compared to previous reports, the Parks budget was increased by \$401,037, the amount of the payout to park rangers relative to a Fair Labor Standards Act settlement. Of that amount, \$342,627 related to previous appropriation periods, and the General Fund revenue was increased by that amount through a transfer from the State Appeal Board.

The DNR was recently notified by the Department of Management that the payroll for the period June 16 through June 29, plus June 30, will be charged to the current fiscal year. Under previous practice, this payroll would have been charged to the next fiscal year because it will be paid out on July 7th.

This change is part of the continuing effort to put State Accounting on a GAAP, accrual basis. Previous State practice was to budget payrolls on a "cash" basis, with an extra payroll (27 instead of 26) occurring about every 11 years.

The General Fund portion of this payroll adjustment will be covered by a special transfer from a central GAAP adjustment fund. Funding adjustments will be required relating to federal, special and trust fund revenues.

This will cause final FY95 expenditures to appear significantly higher than FY95 budgets.

Staff will present additional status information and answer questions regarding budget status at the meeting.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 4/30/95	YTD Actual 4/30/95	Under (Over)
PERS SERV	941,578	970,715	825,108	808,551	16,557
PERS TRV IN	36,778	53,100	39,825	31,757	8,068
STATE VEHICL	4,347	7,931	5,948	2,990	2,958
DEPRECIATION	7,755	12,640	9,480	5,895	3,585
PERS TRV OUT	8,273	9,500	7,125	9,224	(2,099)
OFF SUPPLY	75,525	104,076	78,057	59,351	18,706
FAC MAINT SU	1,028	6,000	4,500	34	4,466
EQUIP MAINT	3,540	6,850	5,138	3,217	1,921
OTHER SUPPLY	39,327	65,899	49,424	56,803	(7,379)
PRINT & BIND	299,648	293,510	220,133	174,214	45,919
UNIFORMS	306	2,150	1,613	970	643
COMMUNICATIO	22,957	26,900	20,175	18,003	2,172
RENTALS	1,287	1,500	1,125	1,357	(232)
UTILITIES	218	750	563	154	409
PROF SERV	89,165	70,568	52,926	35,576	17,350
OUTSIDE SERV	25,614	28,550	21,413	14,866	6,547
ADVER PUB	0	6,000	4,500	0	4,500
DATA PROC	13,979	14,050	10,538	5,413	5,125
REIMBURSMENT	2,060	6,175	4,631	2,991	1,640
EQUIPMENT	34,828	30,724	26,115	19,363	6,752
OTHER EXP	100	2,600	1,950	74	1,876
	1,608,313	1,720,188	1,390,285	1,250,803	139,482

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 4/30/95	YTD Actual 4/30/95	Under (Over)
PERS SERV	3,544,312	3,598,211	3,058,479	3001592	56,887
PERS TRV IN	36,797	48,050	36,038	26,099	9,939
STATE VEHICL	48,733	57,000	42,750	34,977	7,773
DEPRECIATION	145,319	80,500	60,375	51,645	8,730
PERS TRV OUT	4,784	7,300	5,475	6,450	(975)
OFF SUPPLY	314,207	315,255	236,441	253,755	(17,314)
FAC MAINT SU	2,091	21,000	15,750	240	15,510
EQUIP MAINT	45,040	52,000	39,000	31,461	7,539
OTHER SUPPLY	8,005	14,300	10,725	5,279	5,446
PRINT & BIND	21,116	14,500	10,875	15,919	(5,044)
UNIFORMS	2,460	2,500	1,875	3,314	(1,439)
COMMUNICATIO	98,778	97,100	72,825	62,141	10,684
RENTALS	503	500	375	184	191
UTILITIES	527	0	0	282	(282)
PROF SERV	62,018	40,000	30,000	42,624	(12,624)
OUTSIDE SERV	28,369	73,650	55,238	21,368	33,870
ADVER PUB	0	500	375	-77	452
DATA PROC	188,477	97,000	72,750	58,809	13,941
AUDITOR REIM	163,645	160,000	120,000	105,953	14,047
REIMBURSMENT	183,548	117,150	87,863	109,239	(21,377)
EQUIPMENT	173,698	158,508	134,732	148,228	(13,496)
OTHER EXP	383,632	165,320	123,990	0	123,990
LICENSES	0	50	38	0	38
	5,456,059	5,120,394	4,215,967	3,979,482	236,485

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 4/30/95	YTD Actual 4/30/95	Under (Over)
PERS SERV	4,378,069	4,818,078	4,095,366	4,138,166	(42,800)
SEASONAL HELP	1,278,892	1,345,012	901,158	998,792	(97,634)
PERS TRV IN	72,376	57,274	42,956	45,056	(2,101)
STATE VEHICL	212,137	204,800	153,600	162,355	(8,755)
DEPRECIATION	304,490	296,900	222,675	219,395	3,280
PERS TRV OUT	4,998	7,585	5,689	3,621	2,068
OFF SUPPLY	33,046	35,700	26,775	40,444	(13,669)
FAC MAINT SU	500,824	479,500	359,625	414,845	(55,220)
EQUIP MAINT	400,521	286,749	215,062	263,357	(48,295)
AG CONS SUPP	67,853	26,792	20,094	13,921	6,173
OTHER SUPPLY	39,315	36,194	27,146	22,167	4,979
PRINT & BIND	54,853	24,000	18,000	7,008	10,992
UNIFORMS	31,530	31,577	23,683	22,274	1,409
COMMUNICATIO	98,313	98,002	73,502	65,983	7,519
RENTALS	37,023	34,900	26,175	29,839	(3,664)
UTILITIES	432,202	401,951	301,463	305,166	(3,703)
PROF SERV	97,181	62,408	46,806	29,736	17,070
OUTSIDE SERV	221,882	179,852	134,889	143,056	(8,167)
ADVER PUB	1,070	1,050	788	1,018	(231)
DATA PROC	4,555	5,000	3,750	2,143	1,607
REIMBURSEMENT	7,084	2,425	1,819	4,695	(2,876)
EQUIPMENT	203,645	202,000	171,700	205,017	(33,317)
OTHER EXP	776	4,700	3,525	0	3,525
LICENSES	512	697	523	114	409
	8,483,147	8,643,146	6,876,766	7,138,168	(261,402)

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 4/30/95	YTD Actual 4/30/95	Under (Over)
PERS SERV	1,700,668	1,762,827	1,498,403	1,445,123	53,280
SEASONAL HELP	93,663	110,874	74,286	62,776	11,510
PERS TRV IN	34,236	43,500	32,625	26,085	6,540
STATE VEHICL	68,031	91,000	68,250	48,683	19,567
DEPRECIATION	133,145	139,700	104,775	100,935	3,840
PERS TRV OUT	7,996	9,300	6,975	5,623	1,352
OFF SUPPLY	16,770	20,300	15,225	21,112	(5,887)
FAC MAINT SU	50,454	44,000	33,000	31,220	1,780
EQUIP MAINT	59,574	57,000	42,750	34,396	8,354
AG CONS SUPP	130,342	144,000	108,000	92,744	15,256
OTHER SUPPLY	39,763	39,900	29,925	6,950	22,975
PRINT & BIND	5,909	15,500	11,625	2,924	8,701
UNIFORMS	8,066	15,600	11,700	5,512	6,188
COMMUNICATIO	31,170	43,669	32,752	25,804	6,948
RENTALS	34,925	36,000	27,000	28,831	(1,831)
UTILITIES	28,690	37,000	27,750	22,227	5,523
PROF SERV	0	500	375	17,621	(17,246)
OUTSIDE SERV	59,777	68,500	51,375	26,279	25,096
ADVER PUB	406	2,000	1,500	140	1,360
DATA PROC	19,776	3,300	2,475	542	1,933
REIMBURSMENT	918	550	413	2,157	(1,745)
EQUIPMENT	74,077	115,931	98,541	113,552	(15,011)
	2,598,356	2,800,951	2,279,719	2,121,236	158,483

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 4/30/95	YTD Actual 4/30/95	Under (Over)
PERS SERV	2,254,092	2,396,255	2,036,817	1,886,168	150,649
PERS TRV IN	20,252	39,893	29,920	13,614	16,306
STATE VEHICL	12,298	19,000	14,250	8,632	5,618
DEPRECIATION	25,560	30,500	22,875	15,230	7,645
PERS TRV OUT	41,042	66,696	50,022	32,265	17,757
OFF SUPPLY	30,407	34,560	25,920	35,826	(9,906)
FAC MAINT SU	2,284	1,700	1,275	282	993
EQUIP MAINT	3,212	8,350	6,263	1,994	4,269
PROF SUPPLY	977	5,121	3,841	790	3,051
OTHER SUPPLY	21,530	36,953	27,715	18,727	8,988
PRINT & BIND	31,317	49,700	37,275	11,344	25,931
UNIFORMS	0	1,000	750	318	432
COMMUNICATIO	40,457	45,850	34,388	27,695	6,693
RENTALS	2,194	500	375	2,413	(2,038)
UTILITIES	19,980	18,400	13,800	13,799	1
PROF SERV	767,256	1,352,826	1,014,620	418,344	596,276
OUTSIDE SERV	21,166	75,677	56,758	32,846	23,912
ADVER PUB	460	0	0	219	(219)
DATA PROC	13,584	22,900	17,175	3,576	13,599
REIMBURSEMENT	5,306	7,330	5,498	4,018	1,480
EQUIPMENT	94,217	105,945	90,053	51,880	38,173
OTHER EXP	4,639	25,409	19,057	0	19,057
	3,412,230	4,344,565	3,508,644	2,579,980	928,664

ENVIRONMENTAL PROTECTION DIVISION

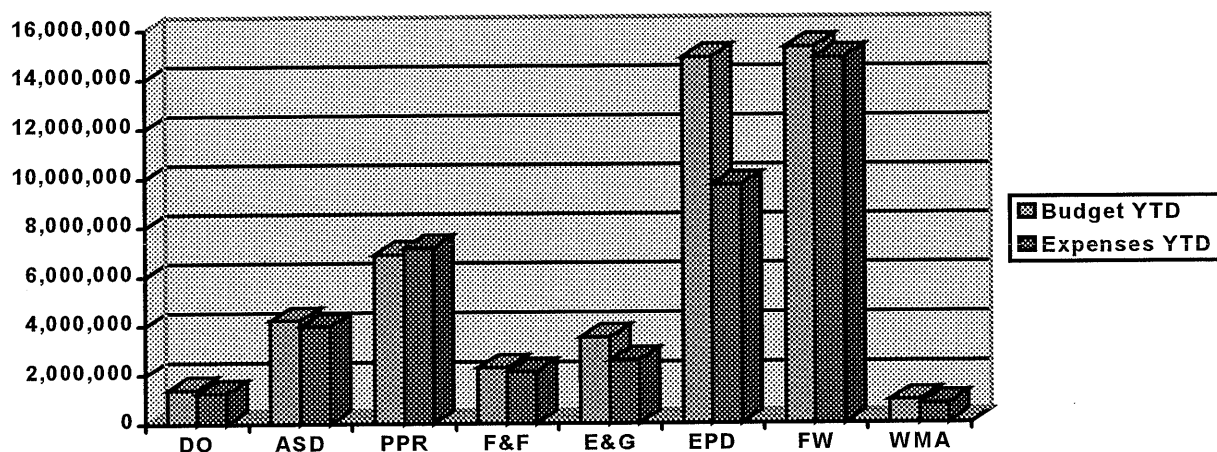
EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 4/30/95	YTD Actual 4/30/95	Under (Over)
PERS SERV	7,539,956	8,584,860	7,297,131	6,552,331	744,800
PERS TRV IN	52,321	143,000	107,250	38,231	69,019
STATE VEHICL	38,614	48,500	36,375	31,992	4,383
DEPRECIATION	62,205	70,500	52,875	43,655	9,220
PERS TRV OUT	68,533	165,114	123,836	52,413	71,423
OFF SUPPLY	75,264	110,469	82,852	76,618	6,234
FAC MAINT SU	989	8,600	6,450	2,868	3,582
EQUIP MAINT	14,440	17,000	12,750	10,561	2,189
PROF SUPPLY	0	1,350	1,013	0	1,013
OTHER SUPPLY	21,959	44,050	33,038	12,949	20,089
PRINT & BIND	58,487	82,050	61,538	62,201	(664)
UNIFORMS	1,992	4,500	3,375	4,133	(758)
COMMUNICATIO	150,998	162,600	121,950	113,594	8,356
RENTALS	65,589	66,500	49,875	62,741	(12,866)
UTILITIES	17,622	24,811	18,608	13,319	5,289
PROF SERV	1,441,690	5,067,139	3,800,354	1,398,488	2,401,866
OUTSIDE SERV	84,580	71,080	53,310	66,627	(13,317)
INTRA TRANSF	0	404,000	404,000	404,000	0
ADVER PUB	6,536	10,600	7,950	3,181	4,769
DATA PROC	165,651	239,206	179,405	121,662	57,743
REIMBURSMENT	23,854	45,650	34,238	39,971	(5,734)
EQUIPMENT	323,387	2,772,339	2,356,488	594,982	1,761,506
OTHER EXP	8,650	23,250	17,438	0	17,438
	10,223,317	18,167,168	14,862,096	9,706,517	5,155,579

FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 4/30/95	YTD Actual 4/30/95	Under (Over)
PERS SERV	11,725,190	11,802,780	10,032,363	10,047,436	(15,073)
SEASONAL HELP	621,243	781,508	523,610	558,792	(35,182)
PERS TRV IN	345,439	351,280	263,460	263,635	(175)
STATE VEHICL	505,451	497,386	373,040	423,917	(50,878)
DEPRECIATION	678,010	754,723	566,042	513,360	52,682
PERS TRV OUT	30,179	40,400	30,300	27,199	3,101
OFF SUPPLY	329,984	334,118	250,589	248,537	2,052
FAC MAINT SU	401,632	491,580	368,685	221,913	146,772
EQUIP MAINT	361,965	350,436	262,827	309,070	(46,243)
AG CONS SUPP	294,457	382,075	286,556	197,206	89,350
OTHER SUPPLY	152,016	105,707	79,280	111,807	(32,527)
PRINT & BIND	157,197	224,375	168,281	161,515	6,766
UNIFORMS	106,426	134,675	101,006	83,354	17,652
COMMUNICATIO	236,569	207,200	155,400	229,370	(73,970)
RENTALS	56,926	73,535	55,151	45,749	9,402
UTILITIES	212,848	226,116	169,587	155,817	13,770
PROF SERV	134,334	411,009	308,257	244,806	63,451
OUTSIDE SERV	207,047	162,812	122,109	126,430	(4,321)
ADVER PUB	2,024	2,600	1,950	1,452	498
DATA PROC	69,538	54,000	40,500	64,329	(23,829)
REIMBURSEMENT	68,912	68,450	51,338	23,304	28,034
EQUIPMENT	439,667	1,258,954	1,070,111	779,033	291,078
OTHER EXP	1,897	600	450	5,032	(4,582)
LICENSES	46	300	225	1,053	(828)
	17,138,997	18,716,619	15,281,117	14,844,116	437,001

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 4/30/95	YTD Actual 4/30/95	Under (Over)
PERS SERV	710,567	750,557	637,973	614,891	23,082
PERS TRV IN	27,240	34,300	25,725	21,978	3,747
PERS TRV OUT	22,096	47,200	35,400	14,652	20,748
OFF SUPPLY	6,849	26,200	19,650	7,703	11,947
EQUIP MAINT	0	3,150	2,363	528	1,835
OTHER SUPPLY	7,665	5,585	4,189	1,756	2,433
PRINT & BIND	31,417	51,324	38,493	26,209	12,284
UNIFORMS	0	100	75	0	75
COMMUNICATIO	14,989	17,500	13,125	9,611	3,514
RENTALS	889	1,550	1,163	460	703
PROF SERV	66,367	118,411	88,808	42,245	46,563
OUTSIDE SERV	9,218	14,300	10,725	2,596	8,129
ADVER PUB	1,614	2,600	1,950	0	1,950
DATA PROC	7,270	7,600	5,700	3,046	2,654
REIMBURSMENT	16,575	23,100	17,325	10,639	6,686
EQUIPMENT	0	15,700	13,345	18,253	(4,908)
OTHER EXP	4,639	5,700	4,275	0	4,275
	927,395	1,124,877	920,283	774,567	145,716

DNR Division Budget Status, 4/30/95

Mr. Kuhn briefly reviewed the division-level reports.

Terrance Townsend asked about the equipment expenses under the EPD division.

Mr. Kuhn explained that a portion of those expenses cover updating of air monitoring equipment as well as imaging equipment for the air permit program.

INFORMATIONAL ONLY

HOUSEHOLD BATTERIES INFORMATION

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

In the March meeting regarding final approval of Iowa Administrative Code proposed rule Chapter 145, "Household Batteries" the Commission had three questions:

1. What battery legislation has been adopted in other states?
2. What are the Department's comments on the plan submitted by the Portable Rechargeable Battery Association (PRBA) and the Rechargeable Battery Recycling Corporation (RBRC)?
3. When did Minnesota adopt its Household Battery legislation?

The answers to these questions are attached for the Commission's information.

Battery Legislation in other States:

Arkansas	<ul style="list-style-type: none"> • Reduction in mercury content of alkaline-manganese and carbon zinc batteries. • Banned sale of mercuric oxide batteries 1/1/94. • Banned disposal mercuric oxide batteries in landfill 1/1/94. • Manufacturers of mercuric oxide batteries shall identify a collection site for consumers to send their spent mercuric oxide batteries. • Manufacturers must inform consumers of the prohibition on disposal of mercuric oxide batteries in a landfill. • The manufacturer must provide a telephone number for purchasers to call to get information on returning batteries. • The manufacturer must provide information about the collection site and the telephone number to the Department. • <i>At this time no returns or collections are taking place. No additional legislation or rule making is proposed.</i>
Connecticut	<ul style="list-style-type: none"> • Reduction in mercury content of alkaline-manganese and carbon zinc batteries. • Banned on improper disposal of mercuric oxide batteries 1/1/92.

	<ul style="list-style-type: none"> • Retailers, wholesalers, manufacturers and recycling centers shall accept used mercuric oxide batteries. • Nickel cadmium batteries in consumer products shall be easily removable. • Each municipality is required to collect and recycle nickel cadmium batteries. • <i>No plans for future legislation or rule making. No collections have taken place.</i>
Florida	<ul style="list-style-type: none"> • Reduction in mercury content of alkaline-manganese batteries. • Banned sale of mercuric oxide batteries 10/1/93. • Banned disposal mercuric oxide batteries in landfill 1/1/94.
	<ul style="list-style-type: none"> • Banned disposal of nickel cadmium batteries in the landfill 10/1/95. • Nickel cadmium or small lead acid batteries in consumer products shall be easily removable. • Manufacturers of mercuric oxide and rechargeable batteries shall implement a management program to return these batteries to a designated collection site. Manufacturers shall the unit management plan to the Department. • Manufacturers shall clearly inform each purchaser of the prohibition of disposal and the system for return that is available. • A telephone number must be provided to final purchasers of batteries to get information on returning discarded batteries. • <i>No further legislation or rule making is planned. Permanent collection programs begin after adoption of the "Universal Waste Rule".</i>
Iowa	<ul style="list-style-type: none"> • Reduction in mercury content of alkaline-manganese batteries. • Banned improper disposal of mercuric oxide, nickel cadmium and small sealed lead acid batteries 7/1/96. • Beginning 7/1/96 a system shall be in place that includes the reduction of heavy metals or toxic components, a recycling program, and/or a proper disposal program for mercuric oxide, nickel cadmium and small lead acid batteries. • "Participants in the stream of commerce" shall inform consumers of the prohibition of disposal. • "Participants" shall identify a collection entity. • Nickel cadmium or small lead acid batteries in consumer products shall be easily removable.
Maine	<ul style="list-style-type: none"> • Reduction in mercury content of alkaline-manganese and carbon zinc batteries. • Banned improper disposal of mercuric oxide, nickel cadmium and sealed lead acid batteries 1/1/93. • Banned the sale of mercuric oxide batteries 1/1/93. • Manufacturers shall establish and maintain a system for proper collection, transportation and processing of mercuric oxide, nickel cadmium and small lead acid waste batteries from governmental, industrial, communications, and medical facilities. • Manufacturers shall clearly inform each purchaser of the prohibition of disposal and the system for return that is available. • Manufacturers shall identify a collection system through which waste batteries

	<p>must be returned to the manufacturer or a designated collection site.</p> <ul style="list-style-type: none"> • A manufacturer shall ensure the cost of collection, transportation and processing of waste batteries is included in sales transaction. • Rechargeable batteries in consumer products shall be easily removable. • <i>No pilot collections have taken place. Permanent collections have been delayed until 7/1/95 awaiting the adoption of the "Universal Wastes" rule.</i>
Maryland	<ul style="list-style-type: none"> • Rechargeable batteries in consumer products shall be easily removable 1/1/94. • Rechargeable batteries, rechargeable products and mercuric oxide batteries may only be disposed of through a unit management program. • Each marketer (manufacturer) shall ensure that there is a convenient mechanism for returning rechargeable batteries, rechargeable products, and mercuric oxide batteries to the marketer or the marketer's specified recycling destination. • Marketers (manufacturers) shall submit a battery management plan to the Department describing the batteries that will be collected and recycled by 12/31/94. • Marketers (manufacturers) shall inform each purchaser of the system for return that is available. • <i>Pilot collection projects have taken place. No further legislation or rule making is considered. Permanent collections are waiting for adoption of the "Universal Wastes" rule.</i>
Michigan	<ul style="list-style-type: none"> • A reverse distribution/deposit system (\$2) will be instituted for nickel cadmium and mercuric oxide batteries beginning 1/1/98. • If consumer does not exchange a used battery when purchasing a new one, the consumer pays a \$2 deposit at time of purchase to be refunded upon return. • The retailer must send the used batteries to a collection point, a recycling point or a smelting facility approved by the Department. • <i>No further legislation or rule making is planned.</i>
Minnesota	<ul style="list-style-type: none"> • Reduction in mercury content of alkaline-manganese batteries. • Banned silver oxide, nickel cadmium and lead acid batteries from the landfill. • Banned sales of mercuric oxide batteries manufactured after 2/1/92. • Nickel cadmium or small lead acid batteries in consumer products shall be easily removable. • Manufacturers ensure a system for proper collection, transportation and processing of waste batteries • Manufacturer shall identify collectors, transporters and processors for waste batteries • At time of sale manufacturer shall provide a telephone number to obtain specific procedures for returning batteries for recycling or proper disposal. • A manufacturer shall ensure the cost of collection, transportation and processing of waste batteries is included in sales transaction. • Button cell batteries shall be labeled to clearly identify the electrode used in the battery. • <i>Implemented pilot battery collection projects in 1992. Permanent collection</i>

	<p><i>projects implemented in 4/94 through the state's adopting of its own "Universal Wastes" rule that involves the relaxing of RCRA regulations.</i></p> <ul style="list-style-type: none"> • <i>Permanent collection for nickel cadmium batteries (no collection data as of yet) are taking place, no collections have been started for small lead acid batteries.</i>
New Hampshire	<ul style="list-style-type: none"> • No state mandated legislation. • Relaxed state hazardous waste policies for communities to collect dry cell (nickel cadmium, mercuric oxide, small lead acid and others) batteries, from households, as part of recycling programs or household hazardous waste programs. These batteries go to a recycler or are treated as hazardous waste. • <i>No further legislation is planned. The department is working with the RBRC to develop a collection program for businesses and hospital facilities.</i>
New Jersey	<ul style="list-style-type: none"> • Reduction in mercury content of alkaline manganese batteries. • Banned sale of mercuric oxide batteries 1/1/94. • Banned mercuric oxide, nickel cadmium and small lead acid batteries from disposal in a landfill. • Nickel cadmium or small lead acid batteries in consumer products shall be easily removable. • Manufacturers ensure a system exists for proper collection transportation and processing of mercuric oxide, nickel cadmium and small lead acid waste batteries. • Every manufacturer of mercuric oxide, nickel cadmium and small lead acid batteries shall submit a battery management plan to the Department. Plans shall designate collector, transporter, processor or collection system; the funding source utilized to defray costs of battery management; a statewide consumer information program; and a strategy for implementing an industry wide uniform coding system. • <i>Permanent collection program has been implemented through the state's adopting of its own "Universal Wastes rule" that involves the relaxing of RCRA regulations.</i>
Oregon	<ul style="list-style-type: none"> • Reduction in mercury content of alkaline manganese batteries. • Nickel cadmium or small lead acid batteries in consumer products shall be easily removable. • <i>No further legislation is planned.</i>
Rhode Island	<ul style="list-style-type: none"> • banned mercuric oxide batteries 1/1/1994.
Vermont	<ul style="list-style-type: none"> • Reduction in mercury content of alkaline manganese batteries. • Banned silver oxide, nickel cadmium and lead acid batteries from disposal in a landfill. • Banned sale of mercuric oxide batteries manufactured after 1/1/94. • Nickel cadmium or small lead acid batteries in consumer products shall be easily removable. • Manufacturers ensure that a system for proper collection transportation and processing of the above listed waste batteries. • Manufacturers shall identify a collection chain through which batteries shall be

returned to the manufacturers.

- A manufacturer shall ensure that the cost of collection, transportation and processing of waste batteries is included in the sales transaction.
- Manufacturers of button cell batteries shall clearly identify the electrode used in the battery.
- Collection program shall include an educational and publicity component
- *Pilot collection project was conducted two years ago. Collection of hazardous waste batteries was exempted as a recycling activity. Permanent battery collections will begin 6/1/95.*

Comments on the Plan Submitted by PRBA and RBRC:

The only objection the Department finds with the Rechargeable Battery Recycling Corporation's (RBRC) proposed nickel cadmium rechargeable battery collection guidelines is that it depends on the final adoption of the "Universal Wastes" rule by the federal EPA.

When adopted, the "Universal Wastes" rule will eliminate the need for manifesting hazardous waste batteries, eliminate the concern regarding the accidental acceptance (by a retailer) of hazardous waste batteries generated by a business and eliminate the need to have hazardous waste batteries transported by licensed hazardous waste haulers. This means that:

- Retail establishments or manufacturers will not have to manifest the batteries collected for recycling
- Retail establishments will not have to have consumers sign an affidavit stating that these hazardous waste batteries were not generated by a business
- Retail establishments or manufacturers will not be required to use a licensed hazardous waste hauler for transportation of collected batteries.

Once the "Universal Wastes" rule is adopted it will be much easier to collect and transport hazardous waste batteries thus ensuring greater retailer participation. With greater retailer participation there will be higher consumer participation rates as more collection points are available.

When the "Universal Wastes" rule is adopted by the federal EPA it will automatically become the law in Iowa. Iowa's household battery legislation and the proposed rule do not negate the "Universal Wastes" rule. The "Universal Wastes" rule does not negate Iowa's household battery law or the proposed rule. The "Universal Wastes" rule simply makes it easier to collect and transport certain universally generated (from all generators, households and businesses) hazardous wastes.

RBRC's plan meets all other aspects of the Iowa's law and the proposed rules. During the creation of this proposed rule it became apparent when Iowa's law was compared to other state's household battery laws that some common subsections were not included in Iowa's law. These subsections supply more detailed specifics to language in Iowa's battery law. A more detailed discussion of each of these subsections follows:

- **Subsection 145.4(1) specifies that it is the “ultimate responsibility of the manufacturers working with the other participants in the stream of commerce, to establish and maintain a system ... for the proper collection, transportation and recycling or disposal of waste batteries”.** PRBA and the RBRC feel that this subsection illegitimately redistributes the responsibility for the collection of batteries onto the manufacturers. [Most state’s household battery laws place the sole burden of collection on the manufacturers, this includes the states of Florida, Maine, Maryland, Minnesota, New Jersey, Vermont.] Although the battery manufacturers feel this subsection displaces the burden of collections onto their shoulders, this subsection requires participation from the other “participants” as well. An effective collection program will not work without the participation of the other “participants”, but a leader (the manufacturers) is required in establishing a program and acquiring cooperation of the other “participants”. RBRC’s plan describes exactly what this subsection is requiring by:
 - Distributing a retailer participation brochure inviting retailers to participate
 - Contacting major retailers directly to enlist their participation
 - Sending participating retailers battery recycling kits containing collection containers, safety instructions, retail point of sale signs and a retail program recycling manual.The plan also describes county/municipality, commercial/institutional generator, and RBRC licensee programs.
- **Subsection 145.4(2) requires that a collection plan is provided to the Department that identifies “transporters and recycling or disposal destinations.”** PRBA and the RBRC state that no statutory authority exists for the Department to require a collection plan. [The states of Arkansas, Florida, Maine, Maryland, Minnesota, New Jersey, Vermont require this in their household legislation.] This information will be helpful from an enforcement standpoint. Additionally, although PRBA and RBRC object to this subsection, RBRC’s plan describes the collection process for waste batteries, lists transporter options (UPS, common carrier or Hazardous waste transporter) and describes disposal options.
- **Subsection 145.4(3) requires that a consumer shall not pay for any collection, disposition and recycling activities after the original purchase of the battery.** [The states of Maine, Minnesota, and Vermont have a subsection similar to this in their battery legislation.] This subsection would prevent the consumer from being charged when they return a battery for recycling. Although PRBA and RBRC object to this subsection, the RBRC in their plan would send retailers free collection boxes and the RBRC would pay for transportation and recycling resulting in no charges to consumers and fulfilling the requirements of this subsection. For the county/municipality program the county/municipality would pay for the shipping container and the RBRC would pay for shipping and recycling. For the commercial/institutional generator program the commercial/institutional generator would pay for the shipping container and for shipping and the RBRC would pay for recycling.
- **Subsection 145.4(4) requires a toll-free telephone number to provide information to consumers regarding the management of waste batteries.** PRBA and the RBRC state that

no authority exists to supply consumers with a telephone number. [The states of Arkansas, Florida, and Minnesota require that manufacturer supply a telephone number.] This subsection is an extension of 455D.10A(3)"b"(2) that requires the "participants" to inform consumers of disposal bans and the recycling/collection program available to consumers. In RBRC's plan the RBRC will establish an 800 number to direct callers to local recycling options. Household callers with nickel cadmium batteries will receive information on retail collection programs, county/municipality recycling programs, county/municipality household hazardous waste programs or mail back programs for waste battery options.

PRBA and RBRC object to these subsections, which are shared by many other state's household battery legislation. Although PRBA and RBRC are objecting to these subsections, the RBRC's plan appears to meet requirements of the Iowa law and the DNR proposed rules once the "Universal Wastes" rule is adopted. (As the authority for administering RCRA C in Iowa lies with the federal EPA this program may not be able to be implemented until the "Universal Wastes" rule is adopted.) Since the RBRC plan meets the requirements of the Iowa law **and** the proposed DNR rule, it is difficult to understand PRBA's and RBRC's objections.

Adoption of Household Battery Legislation in Minnesota:

Minnesota adopted its household battery law in 1990 and revised it in 1991 and 1992. Minnesota banned mercuric oxide, silver oxide, nickel cadmium and sealed lead acid batteries from its landfills. Sales of mercuric oxide batteries were banned as of 2/1/92. It also required manufacturers to collect all rechargeable batteries.

Minnesota's law requires the following:

- The manufacturer shall establish and maintain a system for collection, transport and processing of waste batteries
- The manufacturer shall ensure the cost of collection, transportation and processing of waste batteries is included in sales transaction. Consumers will not be charged when returning batteries for recycling
- The manufacturer's shall provide a phone number for consumers regarding specific procedures for recycling batteries
- The manufacturer shall identify collectors, transporters and processors for waste batteries

Currently Iowa's law is deficient in comparison. With the adoption of these proposed rules Iowa's household battery legislation will more closely match Minnesota's law. The bulleted sections in the previous answer explain the importance of these items.

General Notes:

Carbon Zinc and Alkaline vs. Nickel Cadmium:

Approximately 2.5 billion household batteries are sold per year. Of this about 83% are alkaline and carbon zinc batteries (A, AA, AAA, C, D, 9 volt) and are not covered by Iowa's household battery law. About 5-10% are nickel cadmium batteries (A, AA, C, D, 9 volt) which are covered by Iowa's household battery legislation. Nickel cadmium batteries may be recharged as many as 40 times whereas alkaline and carbon zinc batteries can only be used once. Since nickel cadmium batteries are reusable, one nickel cadmium battery would take the place of many alkaline or carbon zinc.

Informing Consumers:

The Iowa Household Battery Law requires that the "participants in the stream of commerce" inform consumers about the disposal prohibition and to identify the battery chemistries of the batteries that are included. Specifically 455D.10B(1)"b" of the Iowa Code requires manufacturers to indicate the battery chemistries of nickel cadmium and small lead acid batteries so that consumers are aware of what they are purchasing. The law states that the battery, the product instruction manual and the product package shall be clearly labeled to indicate that the battery must be recycled or disposed of properly including the designation (on each) of "Cd" or "Ni-Cd" (for nickel cadmium batteries) and "Pb" or "Lead" (for small lead acid batteries).

455D.10A(3)"b"(2) of the Iowa Code requires that participants in the stream of commerce (retailers, distributors and manufacturers) shall "inform each consumer of the prohibition of disposal of batteries and a safe and convenient return process available to the customer of recycling or proper disposal." In combination these two subsections will raise the awareness of consumers to ensure the highest rate of participation. RBRC's education program includes the battery recycling kits (mentioned above) and the RBRC has retained a professional communications firm to design and implement a public education program utilizing any combination of news releases, print brochures and advertising, and prepared television and radio public service announcements.

Ms. Hay stated that when the Commission reviewed the rules for Household Batteries there were three questions raised by the Commission and those are addressed in the item.

Chairperson King commented that the added information is very helpful. She asked about the status of the Universal Waste Rule.

Ms. Hay responded that EPA has indicated that they are going to try to adopt those rules in 1995. That is one of their goals for this year.

INFORMATIONAL ONLY

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
May 1, 1995

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20, 22 - Revisions to Voluntary Operating Permit Rules	5/15/95	*6/07/95	*7/11/95	*7/ /95	*8/21/95	*8/21/95	*9/13/95	*10/04/95	*10/18/95
2. Ch. 20, 22, and 25 - Air Quality	2/20/95	3/15/95	4/10/95	4/17/95	*5/15/95	*5/15/95	*6/07/95	*7/11/95	*7/12/95
3. Ch. 22 - Air Quality Construction Permits	11/21/94	12/21/94	1/19/95	1/23/95	*5/15/95	*5/15/95	*6/07/95	*7/11/95	*7/12/95
4. Ch. 22 - Background Values for PM-10	*6/19/95	*7/19/95	*8/14/95	*8/ /95	*9/18/95	*9/18/95	*10/11/95	*11/14/95	*11/15/95
5. Ch. 22, 23 - Standards for Hazardous Air Pollutants for Source Categories	5/15/95	*6/07/95	*7/12/95	*7/ /95	*8/21/95	*8/21/95	*9/13/95	*10/04/95	*10/18/95
6. Ch. 31 - Special Provisions for Sulfur Dioxide Emissions in the Muscatine Area	*6/19/95	*7/19/95	*8/14/95	*8/ /95	*9/18/95	*9/18/95	*10/11/95	*11/14/95	*11/15/95
7. Ch. 40, 43 - Water Supply Permit Fees	9/19/94	10/12/94	11/01/94 11/02/94 11/03/94 11/04/94	1/17/95	1/17/95	1/17/95	2/15/95	3/14/95	Delayed
8. Ch. 61 - Stream Use Classification	1/17/95	2/15/95	3/14/95	3/07/95 3/08/95 3/09/95 3/10/95	5/15/95	*5/15/95	*6/07/95	*7/11/95	*7/12/95
9. Ch. 61 - HQ Standards - Corps of Engineers Regional Section 404 Permits	5/15/95	*6/07/95	*7/12/95	*7/ /95	*8/21/95	*8/21/95	*9/13/95	*10/04/95	*10/18/95
0. Ch. 111 - Landfill Financial Responsibility	E M E R G E N C Y				5/15/95	*5/15/95	*6/07/95	*7/11/95	*5/19/95
1. Ch. 112- Infectious Waste	3/20/95	4/12/95	*5/08/95	*5/23/95	*6/19/95	*6/19/95	*7/19/95	*8/14/95	*8/23/95
2. Ch. 117 - Waste Tire Collection and Processing	3/20/95	4/12/95	*5/08/95	*5/25/95	*6/19/95	*6/19/95	*7/19/95	*8/14/95	*8/23/95
3. Ch. 145 - Household Batteries	11/21/94	12/21/94	1/19/95	1/11/95	*6/19/95	*6/19/95	*7/19/95	*8/14/95	*8/23/95

* Projected

Monthly Variance Report						
April 1995						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Natural Gas Pipeline Company of America-Keokuk County	Air Quality		Emission Standard	Approved	04/20/95
2	City of Winterset	Wastewater Construction	Snyder & Associates	Electrical Hazardous Area Classification	Approved	04/19/95
3	Cedar Falls Utilities Leversee Road Ash Disposal Site	Solid Waste	Shive-Hattery Engineers & Architects	Gas Control	Approved	04/17/95
4	Cedar Falls Utilities Leversee Road Ash Disposal Site	Solid Waste	Shive-Hattery Engineers & Architects	Cover	Denied	04/17/95
5	U.S. Gypsum-Fort Dodge	Solid Waste	Montgomery Watson	Gas Control	Approved	04/06/95
6	Viking Pump Foundry Sand Landfill-Cedar Falls	Solid Waste	Montgomery Watson	Gas Control	Approved	04/07/95
7	City of Fonda	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	04/17/95
8	Orchard View Estates-Johnson County	Watersupply Construction	MMS Consultants, Inc.	Construction Materials	Approved	04/19/95
9	Redwing Estates-Johnson County	Watersupply Construction	MMS Consultants, Inc.	Construction Materials	Approved	04/04/95

TOPIC: Report of Hazardous Conditions

During the period April 1, 1995, through April 30, 1995, reports of 75 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
04/01/95 Floyd	A truck transporting 3-1500 gallon tanks of 28% nitrogen rolled over into a ditch. The tanks broke and 2200 gallons spilled into a roadside ditch. The spill occurred near Osage. There were no impacts to surface waters.	Johnson Chemicals RR 2 Osage, IA 50461	The ditch was diked. Free product was recovered from the ditch and contaminated soil was excavated. The soil will be land applied as conditions allow.
04/06/95 Jasper	Fifty gallons of transmission fluid spilled as product was off-loaded to a storage tank at the facility. The spill occurred because a hose slipped off an inlet valve. No impacts to the environment occurred.	Maytag One Dependability Square Newton, IA 50208	Free product was pumped up and the rest of the material was collected with oil dry.

Substance					Mode					
Month	Total Incidents	Petroleum Product	Agri-Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	51(56)	38(37)	3(6)	10(13)	32(34)	0(0)	16(20)	0(0)	0(0)	10(2)
November	54(52)	24(34)	7(3)	23(15)	29(30)	0(3)	22(14)	3(0)	0(1)	0(4)
December	52(41)	27(30)	2(2)	23(9)	38(23)	1(0)	12(14)	0(2)	0(0)	1(2)
January	48(67)	29(47)	7(3)	12(14)	31(38)	0(1)	14(23)	1(2)	1(2)	1(1)
February	40(57)	30(38)	0(3)	10(16)	23(29)	0(2)	16(22)	2(0)	1(0)	0(2)
March	41(69)	27(42)	5(6)	9(21)	44(24)	0(0)	17(14)	0(2)	0(3)	0(6)
April	75(88)	30(39)	25(33)	20(16)	39(50)	1(0)	30(29)	1(1)	1(1)	3(7)
June										
July										
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '94)

1	2	3	4	5	6
9	12	11	11	17	15

NUMBER OF LUST CLEANUPS COMPLETED

During the period of April 1, 1995 through April 30, 1995,
the following number of LUST cleanups were completed:

16(907)

The number in parentheses represents the total number of LUST
cleanups through April 30, 1995.

NUMBER OF LOW RISK SITES APPROVED

During the period of April 1, 1995 through April 30, 1995, the
following number of low risk sites were approved:

48(723)

The number in parentheses represents the total number of low risk
LUST sites through April 30, 1995.

**REPORT OF RELEASES FROM
UNDERGROUND STORAGE TANKS**

During the period of April 1, 1995 through April 30, 1995,
the following number of releases from underground storage tanks
were identified.

20(29)

The number in parentheses represents the number of releases during
the same period in Fiscal Year 1994.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Orrie's Supper Club, Inc., Hudson (1)	Drinking Water	Monitoring/Reporting- Bacteria, Nitrate, Other Inorganics, Radioactivity	Order/Penalty \$3,000	4/06/95
Lansing Valley Mobile Home Park, Lansing (1)	Drinking Water	Monitoring/Reporting- Lead and Copper	Order/Penalty \$375	4/06/95
Bacon Addition, Monticello (1)	Drinking Water	Monitoring/Reporting- Lead and Copper	Order/Penalty \$375	4/06/95
Rock Falls Lounge, Rock Falls (2)	Drinking Water	MCL - Bacteria; Public Notice	Order/Penalty \$1,500	4/06/95
Dallas County Care Facility, Adel (5)	Drinking Water	Monitoring/Reporting- Lead and Copper; Public Notice	Order/Penalty \$550	4/06/95

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Louisa Courts Mobile Home Park & Sales, Muscatine (6)	Drinking Water	Monitoring/Reporting- Lead and Copper; Public Notice	Order/Penalty \$900	4/06/95
Timberlake Estates, Swisher (6)	Drinking Water	Monitoring/Reporting- Lead and Copper; Public Notice	Order/Penalty \$375	4/06/95
Otis Schultz d/b/a Schultz Oil Co., Sac City (3)	Underground Tank	Site Assessment	Order/Penalty \$2,200	4/06/95
Edward Ollthoff, Wellsburg (2)	Underground Tank	Closure Investigation	Order	4/06/95
IES Utilities, Inc., Burlington (6)	Air Quality	Operational Violations	Order	4/10/95
Blencoe, City of (4)	Drinking Water	Monitoring/Reporting- Lead and Copper	Order/Penalty \$900	4/10/95
Crestwood Acres; Mid County Water, Inc., Toddville (1)	Drinking Water	Monitoring/Reporting- Lead and Copper	Order/Penalty \$375	4/10/95
Lake Vista Improvement Assoc., Inc., Solon (6)	Drinking Water	Monitoring/Reporting- Lead and Copper	Order/Penalty \$200	4/10/95
Obie's Hurtsville Tap, Inc., Maquoketa (1)	Drinking Water	MCL-Bacteria, Nitrate; Public Notice	EMER. Order	4/20/95
Silvercrest Golf & Country Club, Inc. Decorah (1)	Drinking Water	MCL-Bacteria	EMER. Order	4/20/95
Sioux City, City of (3)	Air Quality	Asbestos	Order/Penalty \$10,000	4/27/95
Economy Solar Corp.; Jeffrey Intlekofer, Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty \$10,000	4/27/95
Dave Schmitt Construction Co., Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty \$5,000	4/27/95
Paul Klocke, Carroll Co. (4)	Flood Plain	Construction Without Permit	Order	4/27/95
Kinseth Hotel Corp. d/b/a Best Western Westfield Inn, Coralville (6)	Drinking Water	Monitoring/Reporting- Lead and Copper; Public Notice	Order/Penalty \$500	4/27/95
Keystone, City of (5)	Drinking Water	Monitoring/Reporting- Lead and Copper	Order/Penalty \$2,000	4/27/95
Mark Twain Meadows, Muscatine	Drinking Water	Monitoring/Reporting- Lead and Copper	Order/Penalty \$900	4/27/95
Cumberland Ridge First Addition, North Liberty (6)	Drinking Water	Monitoring/Reporting- Lead and Copper	Order/Penalty \$550	4/27/95
Earth Media Technologies, Des Moines (5)	Solid Waste	Prohibited Disposal	Order/Penalty \$3,000	4/27/95
Ferris Sullivan d/b/a Sullivan's Sinclair Service, Preston (1)	Underground Tank	Site Assessment	Order/Penalty \$2,000	4/27/95
Leonard Bormann, Preston (1)	Underground Tank	Site Assessment	Order/Penalty \$2,000	4/27/95

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Blanchard, City of	WS	275	8-22-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Birmingham, City of	WS	550	8-28-94
Holland, City of	WS	550	8-28-94
Denmark Municipal Water Supply (Denmark)	WS	550	8-28-94
Hide-A-Way Manor (Cedar Rapids)	WS	275	8-28-94
*Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	1,000	9-01-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Midway Water & Lighting (Marion)	WS	550	9-08-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemburg)	WS	125	9-14-94
Willey, City of	WS	110	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Verde Water Company-Table Mound #1-Well #1 (Dubuque)	WS	900	9-19-94
Trout Valley 2nd Addition (Bettendorf)	WS	125	9-19-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
DBM, Inc. (Cedar Falls)	AQ	10,000	11-30-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
North Coralville Lake Manor (Solon)	WS	450	3-26-95
Curry Environmental Services (Dubuque)	AQ	6,000	3-27-95
Galva, City of	WS	1,000	4-06-95
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95
*Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	1,000	4-23-95
*Phil McMains (Appanoose Co.)	SW	600	4-24-95
*Irvin Leichty (Henry County)	WW	1,000	5-01-95
*Waste Management & Design, Inc. (Webster City)	WW	4,420	5-10-95
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95
Perry, City of	WW	10,000	5-28-95
R.V. Hopkins, Inc. (Davenport)	AQ	10,000	5-29-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Riverview Manor (Scott Co.)	WS	375	6-05-95
Lansing Valley Mobile Home Park (Lansing)	WS	375	6-08-95
Timberlake Estates (Swisher)	WS	375	6-08-95
Orrie's Supper Club, Inc. (Hudson)	WS	3,000	6-11-95
Brittany Estates Addition (Manchester)	WS	500	6-12-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Dallas County Care Facility (Adel)	WS	550	6-13-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Blencoe, City of	WS	900	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Louisa Courts Mobile Home Park & Sales (Muscatine)	WS	900	6-19-95
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	7-10-95
Edward Bodensteiner (Des Moines)	UT	3,200	-----
Plantation Village Mobile Home Park (Burlington)	WW	1,000	-----
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
Sioux City, City of	AQ	10,000	-----
Bacon Addition (Monticello)	WS	375	-----
Economy Solar Corp.; Jeffery C. Intlekofer (Cedar Rapids)	AQ	10,000	-----
Dave Schmitt Construction Co., Inc. (Cedar Rapids)	AQ	5,000	-----
Kineth Hotel Corp.; Best Western Westfield (Coralville)	WS	500	-----
Keystone, City of	WS	2,000	-----
Mark Twain Meadows Assoc. (Muscatine)	WS	900	-----
Cumberland Ridge First Addition (North Liberty)	WS	550	-----
Earth Media Technologies, Inc. (Polk County)	SW	3,000	-----
Leonard Bormann (Preston)	UT	2,000	-----
Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)	UT	2,000	-----
TOTAL		137,117	

Environmental Protection Commission Minutes

May 1995

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	440	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Robert Bodwell (Winterset)	UT	300	7-07-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Economy Solar Corp. (Monticello)	AQ	100	6-01-94
McCarty Homeowners Assn. (LeClaire)	WS	275	8-20-94
Rayburn Court for Mobile Homes (Mason City)	WS	375	9-29-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94

TOTAL 31,231

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Firelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udel (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000

*Payment Schedule

E95May-27

Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	3,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Phillips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Enviro Safe Air, Inc. (Sioux City)	AQ	2,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000
Galva Union Elevator Co. (Galva)	UT	3,100
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	4,000
Sara Lee Corporation (New Hampton)	WW	10,000
New Hampton, City of	WW	10,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
K-Mart Corporation/Store #7261 (Des Moines)	UT	6,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Winfield S. McKinney; Gary L. McKinney (Union Co.)	WW	1,000
Pella Construction Co., Ltd. (Pella)	WW	10,000
Tom Wiseman (Sheffield)	UT	3,500
Woodlyn Hills (Algona)	WS	275
Lakewood Utilities (Ft. Dodge)	WS	550
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
South High Point Well Assn. #2 (Iowa City)	WS	110
Kessler's Homeowners Assn. (Iowa City)	WS	275
Iowa City Regency Mobile Home Park (Iowa City)	WS	1,000
Woodburn, City of	WS	550
Edinburgh Manor (Anamosa)	WS	200
Windy Ridge Well Assn. (Lisbon)	WS	110
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation-Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
David Schultz (Clayton Co.)	WW	2,000
Burke Marketing Corporation (Nevada)	WW	5,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
First United Methodist Church (Ft. Madison)	AQ	10,000
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
George Dolan (Northwood)	UT	3,300
Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden)	AQ	2,000
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Twin View Heights (Solon)	WS	500
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Welch Oil, Inc. (Williams)	UT	10,000
Richard Beckett (Villisca)	UT	1,300
Bork Transport, Inc. (Des Moines)	UT	1,000
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	6,000
Henry and Randy Krohn d/b/a Krohn Const. (Waukeg)	AQ/SW	4,000
James and Roxann Neneman; J & R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Hubert Vote d/b/a Vote House Moving (Gilmore City)	AQ	6,000
Allan Brandhoij d/b/a Brandhoij Const. (Gilmore City)	AQ	6,000
Michael J. Reding (Kossuth Co.)	WW	4,500
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	6,000
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Woden-Crystal Lake Comm. School District (Crystal Lake)	AQ	10,000
Lehigh Portland Cement Co. (Mason City)	AQ	10,000
Lloyd Dalsing (Dubuque)	AQ	5,000
Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Larry Royer (Guthrie Co.)	WW	1,000
Randy Ballard (Fayette Co.)	FP	2,000
TOTAL		422,646

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Rome, City of	WS	350
*Irvin Leichty (Henry County)	WW	1,000
Western Hills Light and Water (Algona)	WS	50
Pioneer, City of	WS	50
Rose Acre Farms, Inc. (Guthrie Co.)	WW	3,000
Sherman Place Water & Roads, Inc. (Decorah)	WS	350
Cherry Hills Homeowners Assn. (Iowa City)	WS	100
Ida County Sanitary Landfill	SW	2,000
*Waste Management & Design, Inc. (Webster City)	WW	720
Oxford, City of	WS	50
Boomsma's, Inc. (Alden)	WW	1,500
A.J. DeCoster (Wright Co.)	WW	1,500
Fairfield, City of	AQ	1,000
A.J. DeCoster (Wright Co.)	AQ	1,000
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	1,135
TOTAL		13,805

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
May 1, 1995**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
Achenbach, Mark Rockford (2)	Underground Tank	Site Assessment	Order	Referred Petition Filed	6/20/94 8/22/94
Advanced Technologies Corp. Cedar Falls (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
American Asbestos Training Center, Ltd. Monticello (3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94
Ampel Corporation Des Moines (5)	Updated Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment DNR Motion to Disqualify Attorney Hearing Ruling/Defense Attorney Disqualified Trial Date	12/20/93 2/21/94 9/02/94 10/18/94 11/18/94 12/06/94 11/13/95
Bodwell, Robert Winterset (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date	2/21/94 7/21/94 7/11/95
Browns, Jay Murray (5)	Updated Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Pretrial Conference Trial Date Consent Decree (\$1,272/Admin. + Interest & Injunction)	6/20/94 8/24/94 4/07/95 4/11/95 4/10/95
Des Moines, City of (5) v. IDNR	Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer	1/18/94 1/18/94 2/08/94
Economy Solar Corp. Ft. Madison (6)	Updated Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 8/14/95

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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Economy Solar Corp. Waterloo (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 7/16/96
Economy Solar Corp. Cedar Rapids (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/09/95
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95 5/26/95
Giese, William Giese Construction Co. Ft. Dodge (2)		Flood Plain Wastewater	Unauth. Construction Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	7/18/94 10/12/94 10/24/95
Harrison County Board of Supervisors (4)		Solid Waste	Operating Violations	Referred to Attorney General	Referred Petition Filed	2/21/94 7/11/94
Huyser, James; Trust Trucking Lovilia (5)		Underground Tank	Site Assessment	Referred to Attorney General	Referred	11/21/94
International Hydroform Pella (5)		Underground Tank	Remedial Action	Order	Referred Petition Filed Trial Date	5/17/93 1/18/94 4/04/95
Jack Link Truck Line, Inc. Dyersville (1)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date	5/17/93 1/07/94 3/22/95
Jarvis, Marjorie and Terry Strong Council Bluffs (4)		Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCarty Creek Homeowners LeClaire (6)		Drinking Water	Monitoring/Reporting- Lead & Copper	Order/Penalty	Referred	10/17/94
Moore, Ron d/b/a 63-180 Cafe Malcom (5)		Drinking Water	Mtrg/Rprtg Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.) Motion for Judgment	11/16/92 4/02/93 6/30/94
Northwood Cooperative Elevator; Worth Co Co-op Oil Amoco v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order 215.1 Order Suit Filed DNR Answer Consolidation Order 215.1 Order Suit Filed DNR Answer Consolidation Order 215.1 Order	12/07/92 12/28/92 1/05/93 12/22/94 12/07/93 12/28/92 3/10/93 12/22/94 12/15/92 1/04/93 3/10/93 12/22/94

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Rayburn Court for Mobile Homes Mason City (2)		Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	11/21/94
Reed, Verna and Don; Andrea Silsby Union Co. (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc ; Doug Smuck Des Moines (5)		Underground Tank	Insurance Violation	Order/Penalty	Referred	10/17/94
Pruess, Harlan Cedar Co. (6)	Updated	Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer Dismissed by Pruess Pursuant to DNR Agreement	7/27/93 8/13/93 4/25/95
Saak, Louis d/b/a Saak Oil Co. Baxter (5)		Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date	3/21/94 9/08/94 4/25/95
Smith, Franklin; Smith Oil Company Mt. Ayr (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date	4/18/94 7/25/94 5/16/95
Soldat, Mark S. Kossuth Co (2) vs. IDNR		Wastewater	DNR Defendant	Defense	Suit Filed Petitioner's Motion for Partial Summary Judgment Answer Hearing Date Ruling Order Implementing Ruling Motion Raising Jurisdiction Question Petition for Certiorari Writ Denied	9/16/94 10/06/94 10/20/94 10/31/94 11/03/94 12/23/94 1/20/95 1/23/95 2/17/95
Troutman, Jerry L. & Richard Van Buren Co. (6)		Solid Waste	Illegal Disposal	Order	Referred Petition Filed Default Entered	10/18/93 2/15/94 9/29/94
Waterloo, City of (1)	Updated	Wastewater	Discharge Limits	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Trial Date	11/15/93 12/30/93 1/27/95 1/16/96
Waterloo Community School District Waterloo (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Wunschel Oil Co.; Vernus, Jaquellyn & Mark Wunschel Ida Grove (3)		Tank	Underground Site Assessment	Order/Penalty	Referred	1/17/95
Young, David Sierp Oil Company Casey (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 12/14/93

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1-23-86	Oelwein Soil Service	Administrative Order	WM	Murphy	Hearing continued; additional testing being done.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	Awaiting revised SCR.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued. Stipulation of dismissal being prepared.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Iowa Supreme Court decision 2/29/95.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Murphy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WM	Hansen	EPD met with City to resolve appeal issues. Follow-up meeting to be held.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Negotiating settlement.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1	Administrative Order	FP	Clark	Negotiating before filing.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.

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1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Administrative Order	WM	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR initiated.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WM	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WM	Hansen	8/94-Letter to facility regarding resolution of appeal.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Hearing set for 4/11/95.
11-13-92	Tracy Below	Administrative Order	WM	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WM	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment. 10/94 letter to facility attorney regarding site assessment. 12/94 letter from attorney - new work plan submitted to F.O. 3. To be sent to DIA.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
12-14-92	Quantum	Permit Conditions	WM	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
4/05/93	Mapleton, City of	WW Operator Certification	WM	Hansen	Under review by EPD - letter drafted.

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4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Negotiating before filing.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Settlement reached. Awaiting signatures.
7/20/93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	Settlement expected.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Settlement close. Drafting consent order.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94. Survey being reviewed by EPD.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Settlement close.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Settlement offer sent to company's attorney. Offer accepted. Consent order sent for signatures. 5/94 order issued to facility. 11/7/94 contract entered into for funding of project to upgrade. 12/94 - Additional funding authorized by City - project ready to go. Project completed. 3/95 - Settlement agreement to water supply's attorney. 4/95 - Follow-up letter to water supply's attorney.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Favorable ALJ decision.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.

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1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Negotiating before filing.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Negotiating before filing.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Petition for judicial review of agency action filed.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/01/94	Parkwest Ltd.; Wilbur Numelin; Ricky Lee Anderson	Administrative Order	UT	Wornson	Consent order/settlement.
3/01/94	Enviro Safe Air, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	Negotiating before filing.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	All SCRs received- negotiating penalty.
3/17/94	Arlo Becker d/b/a Becker's Auto Salvage	Administrative Order	AQ	Kennedy	Settlement pending.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	Negotiating penalty.
5/09/94	Sara Lee Corporation	Administrative Order	WW	Murphy	Consent order to be issued. Settled.
5/09/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
5/10/94	Dennis Malone; Joanne Malone	Administrative Order	UT	Wornson	Negotiating before filing.
5/19/94	New Hampton, City of	Administrative Order	WW	Murphy	Settlement near. Proposed consent order.
5/27/94	Joseph L. Ranker ; Darl Hollingsworth	Administrative Order	UT	Wornson	Demand letter before DIA referral.
6/03/94	Maquoketa, City of	Administrative Order	WW	Hansen	11/4/94 Construction permit issued to facility for new facilit. Construction to begin immediately and be completed by summer of 1995. Construction of SBR units to be completed soon.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	Compliance initiated.
6/14/94	K-Mart Corp./Store #7261	Administrative Order	UT	Wornson	Compliance initiated.
6/15/94	Winfield Scott McKinney; Gary L. McKinney d/b/a Harmony Creek Farms	Administrative Order	WW	Hansen	Hearing set for 5/23/95.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS.

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6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	Compliance initiated.
7/01/94	Pella Construction Co.	Administrative Order	WW	Hansen	Hearing held 4/24/95.
7/05/94	Iowa City Regency MHP	Administrative Order	WS	Clark	Negotiating before filing.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	In bankruptcy.
7/12/94	Woodlyn Hills	Administrative Order	WS	Hansen	2/3/95-Letter to water supply regarding appeal. 2/20/95-Response - compliance initiated.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	New case. Appeal untimely.
7/15/94	Village Oaks Homeowners	Administrative Order	WS	Hansen	Negotiating before filing.
7/18/94	Yiri Li	GW Professional Denial	UT	Wornson	Negotiating settlement.
7/19/94	Lakewood Utilities	Administrative Order	WS	Clark	Negotiating before filing.
7/21/94	Hickory Hills Subdivision	Administrative Order	WS	Hansen	3/95 letter to facility regarding appeal.
7/25/94	South High Point Well #2	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Kesslers Homeowners Assn.	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Riverview Estates	Administrative Order	WS	Hansen	Appeal dismissed.
7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WW	Hansen	Hearing continued to 7/7/95 at facility's request.
7/27/94	Twin View Heights 5282301	Administrative Order	WS	Hansen	11/14/94 Letter to facility regarding settlement. 12/94 Response from facility - working toward compliance.
8/09/94	Cherry Hills Subdivision	Administrative Order	WS	Clark	Settled.
8/10/94	Edinburgh Manor	Administrative Order	WS	Clark	Negotiating before filing.
8/12/94	Windy Ridge Well Assn.	Administrative Order	WS	Clark	Settlement close.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	Hearing set for 5/26/95.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	Compliance initiated.
8/29/94	Atlantic, City of	Administrative Order	WW	Hansen	Under review by EPD.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	Negotiating before filing.
8/30/94	HWH Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/01/94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	Compliance initiated.
9/02/94	Crabtree Lake Resort	Administrative Order	WW	Hansen	Compliance with AO initiated.
9/02/94	Jay Anderberg; Diane McKellip	Administrative Order	UT	Wornson	Proposed decision appealed.
9/06/94	HEW, inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9/09/94	American Coals Corp.	Administrative Order	SW/AQ	Kennedy	Bankruptcy filed.

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9/15/94	David L. Schutz	Administrative Order	WW	Clark	Hearing set for 7/14/95.
9/15/94	Bankston	Administrative Order	WS	Hansen	1/95-Information from City. Compliance initiated.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Administrative Order	UT	Wornson	Consent order - compliance initiated.
9/19/94	Burke Marketing Corp.	Administrative Order	WW	Hansen	Hearing set for 6/27/95.
9/23/94	Chicago and Northwestern Transportation Co.	Administrative Order	SW/WW	Murphy	Negotiating before filing.
9/26/94	James D. Foust	Administrative Order	SW	Kennedy	Negotiating before filing.
10/07/94	Titan Wheel International	Administrative Order	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits.
10/17/94	First United Methodist Church	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/19/94	Ronald Sizemore; Mark Murphy	Administrative Order	UT	Wornson	Negotiating before filing.
10/25/94	Mike Murphy d/b/a Hawley Heating & Air	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	WW	Clark	Penalty paid. Settled.
10/26/94	A. J. DeCoster	Administrative Order	WW	Clark	Penalty paid. Settled.
10/26/94	Boomsma's Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	A. J. DeCoster	Administrative Order	AQ	Preziosi	Appeal withdrawn. Penalty paid.
10/27/94	George Dolan	Administrative Order	UT	Wornson	Negotiating before filing.
10/27/94	Chuck Winder d/b/a E.D.O., Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/31/94	Woodbury Co. Highway Dept.	Administrative Order	UT	Wornson	Negotiating before filing.
10/31/94	Keith Owens; Howard Maurer	Administrative Order	UT	Wornson	Hearing set for 6/23/95.
11/02/94	Richard Waugh	Administrative Order	UT	Wornson	Compliance/negotiating penalty.
11/07/94	Jerry Smith; Norma S. Nelson	Permit Issuance	FP	Clark	Hearing set for 6/30/95.
11/10/94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/14/94	Tom Babinat d/b/a Tom's Car Care	Administrative Order	UT	Wornson	Negotiating before filing.
11/23/94	Walnut Acres Campground; Fred and Fran Iben	Permit Issuance	FP	Clark	Negotiating before filing.
11/28/94	Richard Beckett	Administrative Order	UT	Wornson	Negotiating before filing.
11/30/94	Welch Oil, Inc.	Administrative Order	UT	Wornson	Hearing set for 5/19/95.
12/02/94	Bork Transport, Inc.	Administrative Order	UT	Wornson	Proposed settlement.
12/14/94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/10/95	Steamboat Rock	Administrative Order	WS	Hansen	2/95-Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement.

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
 May 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1/11/95	Henry and Randy Krohn d/b/a Krohn Construction	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
1/13/95	Gilmore City-Bradgate Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/13/95	James and Roxann Neneman	Administrative Order	UT	Wornson	Inability to pay. Forms sent.
1/13/95	Simonsen Industries, Inc.	Administrative Order	WW	Hansen	2/28/95-Submittal by facility's engineer regarding land application of sludge.
1/13/95	Sherman Water & Roads	Administrative Order	WS	Clark	Settled.
1/20/95	Hubert Vote d/b/a Vote House Moving	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/20/95	Allan Brandhoij d/b/a Brandhoij Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/07/95	Michael J. Reding	Administrative Order	WW	Clark	Negotiating before filing.
2/14/95	Dennis Sharkey d/b/a Sharkey's Building Wrecking	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/17/95	Irvin Leichty	Administrative Order	WW	Clark	Settlement close.
2/23/95	Woden-Crystal Lake Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/23/95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Negotiating before filing.
2/27/95	Sale-R-Villa Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/23/95	Lehigh Portland Cement	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/23/95	American Coals Corp.	Administrative Order	SW	Kennedy	Negotiating before filing.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	Administrative Order	HC	Kennedy	New case.
4/19/95	Lloyd Dalsing	Administrative Order	AQ	Preziosi	New case.
4/19/95	Otis Schultz d/b/a Schultz Oil Co.	Administrative Order	UT	Wornson	New case.
4/21/95	Randy Ballard	Administrative Order	FP	Clark	New case.
4/26/95	Larry Royer	Administrative Order	WW	Clark	New case.

Mr. Stokes explained the procedure for the monthly reports for benefit of the new Commissioners.

Brief discussion followed in regard to the Natural Gas Pipeline Company permit listed on the variance report.

Mr. Stokes stated that on the Rulemaking Status Report, item number six (Sulphur Dioxide Emissions in the Muscatine Area) will be deleted from the report next month as it was decided

this would not have to be handled through rulemaking. Rather, it will be handled through permit revisions.

INFORMATIONAL ONLY

AIR PROGRAM STATUS UPDATE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided an update on the current status of the air quality program in Iowa, with emphasis on budget and staffing issues related to Title V Operating Permit Programs and fees.

Mr. Stokes related that there are 356 permits in-house that need to be dealt with in terms of construction permits, and a program has been implemented to administratively handle the minor types that would not fall under a federal PSD permit program. He explained the process used noting that following a completeness review of the application, the applicant is issued a letter of authorization so they can get their business up and running while the permanent permit is being processed and issued. Mr. Stokes added that a Request for Proposal (RFP) has gone out to hire a consulting firm to assist with the air program and in purchasing some imaging equipment. Mr. Stokes distributed copies of an Air Quality Budget covering SFY to July 1, 1995 and gave a detailed explanation of the budget. He reported that since March 1, four additional Environmental Specialist II positions have been filled. On April 21, an existing Engineer position was transferred from the Solid Waste Program into the Air Quality Program. Three additional Engineer II's have been hired and all will be on board by June 26. Also, a position from within the department was promoted to an Environmental Program Supervisor in the Air Program. Staff are currently interviewing to fill two Environmental Specialist II positions and an Environmental Specialist III position. By the end of the fiscal year the ten staff allocated to the program will have been hired. Subsequently, staff will begin paperwork to hire fifteen additional staff for the upcoming fiscal year.

Mr. Stokes stated that when federal approval is given for a program, EPA believes the funds for that program become federal money even though they are state fees. He related that those fee funds cannot be used to match federal grants. The legislature did not appropriate money for the air quality program this year and for FY 96, but there is authorization to tap into the Hazardous Waste Remedial Fund up to \$281,000. He reviewed that the Commission has written to the Governor asking his support in getting a waiver from the requirement that fees are not to be used for match dollars.

Chairperson King asked if it would take Congressional action to change EPA's philosophy of state fees being classified as federal money once a program has been approved.

Mr. Stokes responded in the affirmative adding that the National Governor's Association (NGA) has adopted a position stating that those fees should be considered state funds. Many other environmental and conservation groups, as well as many other states, have voiced the same concerns and have expressed support for changing it.

Terrance Townsend stated that the letter notifying the regulated community when second-half payments were due was dated March 23, but the Commissioners copies were not postmarked until May 3. He related that he does not feel that is much advance notice to industry if they were all mailed that late.

Mr. Stokes indicated that he will look into the mailing process and noted that he was assured the notices went out in a timely fashion.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Steve Roberts - Household Batteries Rule

Steve Roberts, representing the Portable Rechargeable Battery Association, distributed copies of a letter from Mike Lynch, Illinois Tool Works, bringing the Commission up to date in regard to the Universal Waste Rule. He noted that on May 11, the EPA published 40 DRF 273 rules. Mr. Roberts asked the Commission to direct staff to meet with him between now and the June meeting to present the program the Rechargeable Battery Recycling Corporation (RBRC) would like to implement in Iowa this fall. He related that they would like to explore how the RBRC program could be integrated into the DNR's proposed rules.

Chairperson King stated that Director Wilson indicated staff will get in touch with Mr. Roberts as to when they can meet.

UNIVERSITY HYGIENIC LABORATORY AGREEMENT - AIR QUALITY STACK TESTING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve an amendment to the FFY 1995 Agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services. The amendment adds stack testing activities to be conducted by UHL personnel. UHL agrees to train 4 FTE's to observe stack tests conducted by sources for compliance demonstration purposes. Additionally, the personnel will observe continuous emission monitor performance evaluations and provide additional technical assistance in support of stack testing activities. This support is necessary to augment the Department's stack testing activities in response to

increasing stack testing due to Acid Rain regulation requirements, Title V emission testing, and hazardous air pollutant emissions testing.

The total amount allocated to UHL for these activities for the remainder of the FFY 1995 agreement term is \$145,546 based on UHL's best estimate of their actual costs plus the University of Iowa's indirect cost rate. The funding will be supported by funds from the Air Contaminant Fee fund. Under Iowa Code §455B.103, the Department is required to contract with the UHL for these services unless the required services cannot be provided by the UHL.

Mr. Stokes reviewed the agreement in detail.

Motion was made by William Ehm to approve the agreement with UHL for Air Quality Stack Testing at a cost of \$145,546. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

EMERGENCY RULE ADOPTION--CHAPTER 111, LANDFILL FINANCIAL RESPONSIBILITY

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to adopt the attached amendments to rule chapter 111, "Financial Assurance Requirements for Municipal Solid Waste Landfills," without notice or public participation. The amendments simply extend the effective date for compliance from 1995 to 1997, in accordance with recently adopted federal rules on this subject.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 455B.304(8), the Environmental Protection Commission hereby adopts amendments to Chapter 111, "Financial Assurance Requirements for Municipal Solid Waste Landfills," Iowa Administrative Code.

This amendment extends the time by which owners and operators of landfills may obtain financial assurance mechanisms under the solid waste program. The existing deadline is April 9, 1995, which was consistent with existing federal regulations when these rules were adopted. The deadline is being delayed because the federal EPA has extended its deadlines to April 9, 1997

In compliance with Iowa Code section 17A.4(2), the department finds that notice and public participation are impracticable because the time period for doing so would extend beyond the existing deadlines, and thereby place owners and operators in a tenuous position.

The department also finds pursuant to Iowa Code section 17A.5(2)"b"(2) that the normal effective date of the rule should be waived and this amendment should be made effective immediately upon filing with the Administrative Rules Coordinator on May 19, 1995, as it confers a benefit upon the regulated public by extending the deadlines.

These amendments are intended to implement Iowa Code section 455B.304.

ITEM 1. Amend rule 111.6(455B) by changing the year 1995 to 1997, in subrules (1)"e", (2)"a", (3)"a", (4)"a", (5)"a", (6)"a", (7)"e", (8)"c", and (11)"c".

These rules are intended to implement Iowa Code sections 455B.304.

Date

Larry J. Wilson, Director

Mr. Stokes stated that several years ago the Commission adopted Landfill Financial Responsibility rules for landfills that handle municipal solid waste. EPA subsequently developed their own financial responsibility rules which would have had an effective date in 1995. He related that recently EPA amended their rules delaying the effective date until 1997. Iowa does not have the stringency clause in its solid waste program and is not required to delay the rules, but staff proposes delaying the state rules to be consistent with federal rules.

Charlotte Mohr asked why EPA extended the effective date of their rules.

Mr. Stokes stated that he would assume it is because they have heard from local communities about the financial impact it would have on their communities.

<i>Motion was made by Charlotte Mohr to approve Emergency Rule--Chapter 111, Landfill Financial Responsibility. Seconded by Terrance Townsend. Motion carried unanimously.</i>
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APPROVED AS PRESENTED

**NOTICE OF INTENDED ACTION--CHAPTER 61, WATER QUALITY STANDARDS,
CORPS REGIONAL SECTION 404 PERMIT**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested of the attached Notice of Intended Action that would initiate rule making to provide Section 401 water quality certification for one Corps of Engineers' Section 404 regional permit. Section 401 water quality certification is a state water quality agency's certification that a proposed activity will not violate state water quality standards.

The regional permit in question would authorize fill and excavation activities associated with the construction of roadways and bridges in Iowa, including the placement of up to 500 cubic yards of material below the ordinary high water mark for the construction of bridge abutments, piers, and roadways. Conditions contained in the regional permit would insure that environmentally sensitive areas would not be disturbed and would require compensatory mitigation for unavoidable wetland impacts. The regional permit is not a new permit but is a regional permit originally issued in 1979 which has expired and is being renewed. The Commission has previously provided Section 401 water quality certification for 26 nationwide and three regional Corps Section 404 permits.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission gives notice of intended action to amend Chapter 61, "Water Quality Standards". The proposed amendment will provide water quality certification pursuant to section 401 of the federal Clean Water Act {33 U.S.C. section 1341} for a regional Section 404 permit. Background information and the proposed action are discussed below.

Section 404 of the federal Clean Water Act requires a permit from the U.S. Army Corps of Engineers for the discharge of dredged or fill materials into the nation's waters. Section 401 of the Act requires that before the Corps can issue a Section 404 permit, the state water quality agency must certify that the proposed activity will not violate state water quality standards.

Section 404 authorizes the Corps to issue general permits on a State, regional, or nationwide basis for categories of activities where such activities will have minimal adverse effects. General permits can be issued for a period not exceeding five years and the state water quality agency must provide Section 401 certification for a general permit before the general permit is valid for that state. The Commission previously provided Section 401 certification for 26 nationwide permits and three regional permits. These permits are referenced in 61.2(2)"h".

The proposed amendment would provide Section 401 certification for one additional regional permit. The regional permit in question would authorize fill and excavation activities associated with the construction of roadways and bridges, including the placement of up to 500 cubic yards

of material below the ordinary high water mark for the construction of bridge abutments, piers, etc. Conditions contained in the regional permit would insure that environmentally sensitive areas would not be disturbed by the authorized construction activities and would require compensatory mitigation for unavoidable wetland impacts. This proposed regional permit is not a new permit but is a regional permit which was initially issued in 1979 and which has expired. The Rock Island District of the Corps of Engineers is proposing to renew this regional permit for an additional five years. The Commission concurs that the activities that would be authorized by the regional permit will have minimal adverse impacts.

A copy of the proposed regional permit is on file with the Administrative Rules Coordinator and can be obtained from the Department of Natural Resources.

Any interested person may file written comments on the proposed amendments through June 28, 1995. Written comments should be directed to Janet Gastineau, Department of Natural Resources, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX 515/281-8895. Questions on the proposed amendments should be directed to Janet Gastineau at 515-281-6615.

This notice of intended action does not propose to modify existing, substantive water quality standards, but is intended to define the applicability of existing standards to the Corps regional permits.

These amendments may have an impact upon small businesses.

This rule is intended to implement Iowa Code chapter 455B, Division III, Part 1.

It is proposed that paragraph 567--61.2(2)"h" be amended to read as follows:

h. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567--Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567--Chapters 70, 71, and 72 and this policy. The repair and maintenance of a drainage district ditch as defined in 567--70.2 (455B, 481A) will not be considered a violation of the anti-degradation policy for the purpose of implementing Title IV of these rules. United States Army Corps of Engineers (Corps) nationwide permits, 33 CFR 330, Numbers 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 32, 33, 34, 36, 37, 38, and 40, as promulgated November 22, 1991, are certified pursuant to Section 401 of the Clean Water Act. Regional permit numbers 2, 7, 12, and 20 of the Rock Island District of the Corps are also certified. No specific Corps permit or 401 certification is required for activities covered by these permits unless required by the nationwide permit or the Corps, and the activities are allowed subject to the terms of the nationwide and regional permits.

Mr. Stokes reviewed the proposed rules.

Charlotte Mohr asked if staff anticipates any changes due to comments on the rules.

Mr. Stokes stated that comments would probably come from those who think each situation should have individual review and retain the right to object to a project.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 61, Water Quality Standards, Corps Regional Section 404 Permit. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 61, WATER QUALITY STANDARDS, STREAM USE DESIGNATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested of the attached Final Rule adopting stream use designations for 92 stream segments. The final rule would also establish protected flows for 22 of those stream segments by revising the publication date of the rule-reference document "Iowa Water Quality Standards: Protected Flows for Selected Stream Segments". A copy of the revisions to that document is attached.

Also attached is the Public Participation Responsiveness Summary summarizing and responding to comments received during the public comment period. Only two comments were received. A drainage district representative objected to the proposed use designations on two of the district's ditches, stating that the use designations would prohibit repair and maintenance. The Commission dealt with this issue in 1993 and amended its rules to clarify that the repair and maintenance of a drainage district ditch would not be considered a violation of state water quality standards. No changes to the rule amendments were made as a result of the comments received.

The only change from the published NOIA is the designation of a reach of the English River (No. 22 in the Iowa-Cedar basin) as a High Quality Resource (HQR) water rather than a High Quality (HQ) water. It was intended to designate the English River as a HQR water and the HQ designation contained in the NOIA was a typographical error. As compared to a HQ use designation, a HQR designation is considered a less stringent or "lower" use designation.

(A copy of the rule and the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes gave a detailed explanation of the rules and reviewed the stream use designation process for benefit of the new Commissioners.

Brief discussion followed.

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 61, Water Quality Standards, Stream Use Designations. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 22, AIR CONSTRUCTION PERMITS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the proposed rules which amend Chapter 22 by revising the list of exemptions to the air construction permit requirement, specifying that the department may limit hazardous air pollutant potentials to emit in construction permits, and providing for an air construction permit and air operating permit by rule for some spray booths.

The department worked with the Air Construction Permits Task Force, whose members represent varying interests, to review the air construction permitting process and develop improvements to the process. These rules were drafted as a result of the Task Force work.

Notice of Intended action was published December 21, 1994, as ARC 5322A. The Notice of Intended Action stated that any interested person may make written suggestions or comments on the proposed rule prior to January 23, 1995. A public hearing was held January 23, 1995, for the purpose of receiving written and oral comments on the proposed rule.

No oral comments and 8 written comments were submitted. Due to comments received changes have been made in 11 sections of the proposed rule.

In subrule 22.1(1) the relationship of multiple citations to rules requiring permits is clarified.

Throughout subrule 22.1(2) the term "air contaminant" is more closely defined as "regulated air contaminant (as defined in 22.100)."

In subrule 22.1(2) a sentence is added to clarify that a source that does not have a construction permit and should have had one is not retroactively exempt from the requirement to obtain a construction permit. Sources previously exempt (under subrule 22.1(2)) are not required to obtain a construction permit.

Paragraph 22.1(2)"i" was changed in response to numerous comments. The term "significantly modify" is replaced with the phrase "result in a net emissions increase (as defined in 22.5(1)"f") of more than ..." The use of Table 1 is more closely defined to state that "... the net emissions rate increase must not equal or exceed the values ..." Additionally, the exception from the rule of emissions of pollutants covered under section 112(g) of the Clean Air Act is clarified. Also, in Table 1 the emissions rate increase for Beryllium is corrected from 0.004 ton/yr to 0.0004 ton/yr (as listed in 40 CFR 52.21 as a significant emission rate increase).

Paragraph 22.1(2)"k" is changed to update the date of amendment of the Code of Federal Regulations citation.

Paragraph 22.1(2)"m" is changed in response to comments requesting that the size restrictions on certain storage tanks be changed and established dependent on whether the tanks contents emit hazardous air contaminants. Gasoline storage tanks with a capacity of 5,000 gallons (changed from 1,000 gallons) with an annual throughput less than 40,000 gallons are exempt. Coolant, diesel fuel, detergents, fuel oil, LPG, lubricating oils, and other non-hazardous air pollutant emitting storage tanks with a capacity of less than 10,570 gallons (up from 1,000 gallons) with an annual throughput less than 40,000 gallons are exempt.

In response to numerous comments the restriction limiting the applicability of paragraph 22.1(2)"p" only to sources not included in certain major industrial groups is eliminated. The requirement that equipment eligible for this exemption be used only for nonproduction activities is added.

Paragraph 22.1(2)"s" is changed to combine subparagraphs (1) and (6) to clarify that both actual and potential emissions estimates are to be included in the documentation provided by the source. The subparagraphs are renumbered. Subparagraph (8), renumbered as (7), is changed to indicate that the net emissions increases to be totaled are only to include those emissions at the facility. The subparagraph is further changed to refer to a federal rule adopted by reference in 22.4 thus eliminating the need to update the adoption date in this subparagraph. Further, the requirement for review of ambient air quality impacts are clarified by removing the reference to ambient air increments or ceilings and replacing it with a requirement that the written statement include a statement that emissions increases "will not prevent the attainment or maintenance of the ambient air quality standards specified in 567--Chapter 28(455B)."

In response to a comment received, subrule 22.3(6) is changed to eliminate the phrase "so the source does not have to obtain an operating permit." This change was required to ensure that the Department would have authority adequate to fully implement the Title V operating permit program.

Rule 22.8 is retitled and renumbered to allow for the future adoption of additional permits by rule under this rule. Additionally, the certification established in 22.8(1)"e" (formerly 22.8(5)) is changed to specify that each paint booth permitted under the rule must be specified explicitly at the time of certification.

The public participation responsiveness summary for the proposed rule is attached as well as the proposed rule.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby amends Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The list of exemptions from the requirement to obtain an air construction permit is amended.

The Department is given the authority to limit a source's hazardous air pollutant potential to emit in the source's air construction permit so the source does not have to obtain an air operating permit.

A permit by rule for certain spray booths is added. If a facility meets the criteria set forth in the rule, the facility's spray booths will be deemed to be in compliance with the requirements to obtain air construction permits and air operating permits.

A Notice of Intended Action proposing these amendments was published in the Iowa Administrative Bulletin on December 21, 1994, as ARC 5322A. A public hearing on these proposed amendments was held on January 23, 1994. Eight written and no oral comments were received. There were changes made from the Notice of Intended Action as a result of written comments. These changes are as follows:

In subrule 22.1(1) the relationship of multiple citations to rules requiring permits is clarified.

Throughout subrule 22.1(2) the term "air contaminant" is more closely defined as "regulated air contaminant (as defined in 22.100)."

In subrule 22.1(2) a sentence is added to clarify that a source that does not have a construction permit and should have had one is not retroactively exempt from the requirement to obtain a construction permit. Sources previously exempt (under subrule 22.1(2)) are not required to obtain a construction permit.

Paragraph 22.1(2)"i" was changed in response to numerous comments. The term "significantly modify" is replaced with the phrase "result in a net emissions increase (as defined in 22.5(1)"f") of more than ..." The use of Table 1 is more closely defined to state that "... the net emissions rate increase must not equal or exceed the values ..." Additionally, the exception from the rule of emissions of pollutants covered under section 112(g) of the Clean Air Act is clarified. Also, in Table 1 the emissions rate increase for Beryllium is corrected from 0.004 ton/yr. to 0.0004 ton/yr. (as listed in 40 CFR 52.21 as a significant emission rate increase).

Paragraph 22.1(2)"k" is changed to update the date of amendment of the Code of Federal Regulations citation.

Paragraph 22.1(2)"m" is changed in response to comments requesting that the size restrictions on

certain storage tanks be changed and established dependent on whether the tanks contents emit hazardous air contaminants. Gasoline storage tanks with a capacity of 5,000 gallons (changed from 1,000 gallons) with an annual throughput less than 40,000 gallons are exempt. Coolant, diesel fuel, detergents, fuel oil, LPG, lubricating oils, and other non-hazardous air pollutant emitting storage tanks with a capacity of less than 10,570 gallons (up from 1,000 gallons) with an annual throughput less than 40,000 gallons are exempt.

In response to numerous comments the restriction limiting the applicability of paragraph 22.1(2)"p" only to sources not included in certain major industrial groups is eliminated. The requirement that equipment eligible for this exemption be used only for nonproduction activities is added.

Paragraph 22.1(2)"s" is changed to combine subparagraphs (1) and (6) to clarify that both actual and potential emissions estimates are to be included in the documentation provided by the source. The subparagraphs are renumbered. Subparagraph (8), renumbered as (7), is changed to indicate that the net emissions increases to be totaled are only to include those emissions at the facility. The subparagraph is further changed to refer to a federal rule adopted by reference in 22.4 thus eliminating the need to update the adoption date in this subparagraph. Further, the requirement for review of ambient air quality impacts are clarified by removing the reference to ambient air increments or ceilings and replacing it with a requirement that the written statement include a statement that emissions increases "will not prevent the attainment or maintenance of the ambient air quality standards specified in 567--Chapter 28(455B)."

In response to a comment received, subrule 22.3(6) is changed to eliminate the phrase "so the source does not have to obtain an operating permit." This change was required to ensure that the Department would have authority adequate to fully implement the Title V operating permit program.

Rule 22.8 is retitled and renumbered to allow for the future adoption of additional permits by rule under this rule. Additionally, the certification established in 22.8(1)"e" (formerly 22.8(5)) is changed to specify that each paint booth permitted under the rule must be specified explicitly at the time of certification.

These amendments may impact small business.

These rules are intended to implement Iowa Code section 455B.133.

The following amendments are adopted.

Item 1. Amend subrule 22.1(1), introductory paragraph, as follows:

22.1(1) Permit required. Unless exempted in subrule 22.1(2), no person shall construct, install, reconstruct or alter any equipment, control equipment or anaerobic lagoon without first obtaining a construction permit, or conditional permit, or permit pursuant to 22.8(455B), or permits required pursuant to 22.4(455B) and 22.5(455B) as required in this subrule. A permit shall be obtained prior to the initiation of construction, installation or alteration of any portion of the stationary source.

Item 2. Rescind subrule 567--22.1(2) and insert in lieu thereof the following:

22.1(2) Exemptions. The provisions of this rule shall not apply to the following listed equipment or control equipment unless review of the equipment or control equipment is necessary to comply with rule 22.4(455B), prevention of significant deterioration requirements; rule 22.5(455B), special requirements for nonattainment areas, 567--subrule 23.1(2), new source performance standards; or 567--subrule 23.1(3), emission standards for hazardous air pollutants, in which case a permit must be obtained. If equipment is permitted under the provisions of rule 22.8(455B), then no other exemptions shall apply to that equipment. If a source does not have a construction permit and should have had one, this subrule does not exempt the source from the requirement to obtain a construction permit.

a. Fuel-burning equipment for indirect heating and reheating furnaces or cooling units using natural gas or liquefied petroleum gas with a capacity of less than ten million BTU per hour input.

b. Fuel-burning equipment for indirect heating or cooling with a capacity of less than one million BTU per hour input when burning coal, untreated wood or fuel oil. Used oils meeting the specification from 40 CFR 279.11 as amended through March 4, 1994 are acceptable fuels for this exemption.

c. Mobile internal combustion and jet engines, marine vessels and locomotives.

d. Equipment used for cultivating land, harvesting crops, or raising livestock other than anaerobic lagoons. This exemption is not applicable if the equipment is used to remove substances from grain which were applied to the grain by another person. This exemption is also not applicable to equipment used by a person to manufacture commercial feed, as defined in Iowa Code section 198.3, which is normally not fed to livestock, owned by the person or another person, in a feedlot, as defined in Iowa Code section 172D.1, subsection 6 or a confinement building owned or operated by that person and located in this state.

e. Incinerators with a rated refuse burning capacity of less than 25 pounds per hour.

f. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment.

g. Equipment or control equipment which reduces or eliminates all emission to the atmosphere. If a source does not have a construction permit and should have had one, this paragraph does not exempt the source from the requirement to obtain a construction permit. If a source wishes to obtain credit for reductions under the prevention of significant deterioration requirements, it must apply for a permit for the reduction prior to the time the reduction is made. If a construction permit has been previously issued for the equipment or control equipment, the conditions of the construction permit remain in effect. In order to use this exemption, the facility must comply with paragraph "s" below.

h. Equipment (other than anaerobic lagoons) or control equipment which emits odors unless such equipment or control equipment also emits particulate matter, or any other regulated air contaminant (as defined in 22.100).

i. Construction, modification or alteration to equipment which will not result in a net emissions increase (as defined in 22.5(1)"f") of more than 1.0 lb./hr of any regulated air pollutant (as defined in 22.100).

Pollutants covered under the provisions of section 112(g) of the Clean Air Act are not included in this exemption except for those listed in Table 1. Further, the net emissions rate INCREASE must not equal or exceed the values listed in Table 1.

Table 1

<u>Pollutant</u>	<u>Ton/year</u>
Lead	0.6
Asbestos	0.007
Beryllium	0.0004
Vinyl Chloride	1
Fluorides	3

This exemption is ONLY applicable to vertical discharges with the exhaust stack height 10 or more feet above the highest building within 50 feet. If a construction permit has been previously issued for the equipment or control equipment, the conditions of the construction permit remain in effect. In order to use this exemption, the facility must comply with paragraph "s" below.

The department reserves the right to require proof that the National Ambient Air Quality Standards have not been violated by any change made when claiming this exemption to the air quality construction permit requirement. If the department finds, at any time after a change has been made pursuant to this exemption, evidence of violations of any of the department's rules, the department may require the source to submit to the department sufficient information to determine whether enforcement action should be taken. This information may include, but is not limited to, any information that would have been submitted in an application for a construction permit for any changes made by the source under this exemption, and air quality dispersion modeling.

- j. Residential wood heaters, cook stoves, or fireplaces.
- k. Asbestos demolition and renovation projects subject to 40 CFR 61.145 as amended through July 15, 1994.
- l. The equipment in laboratories used exclusively for nonproduction chemical and physical analyses.
- m. Gasoline storage tanks with a capacity of 5,000 gallons or less and an annual throughput less than 40,000 gallons, and coolant, diesel fuel, detergents, fuel oil, LPG, lubricating oils, and other non-hazardous air pollutant emitting storage tanks with a capacity of less than 10,570 gallons and an annual throughput less than 40,000 gallons.
- n. Stack or vents to prevent escape of sewer gases through plumbing traps. Systems which include any industrial waste are not exempt.
- o. A nonproduction surface coating process that uses only hand-held aerosol spray cans.
- p. Brazing, soldering or welding equipment or portable cutting torches used only for nonproduction activities.
- q. Cooling and ventilating equipment: Comfort air conditioning not designed or used to remove air contaminants generated by, or released from, specific units of equipment.
- r. An internal combustion engine with a brake horsepower rating of less than 400 measured at the shaft. For the purposes of this exemption, the manufacturer's nameplate rating at full load shall be defined as the brake horsepower output at the shaft.

s. A facility claiming to be exempt under the provisions of paragraph "g" or "i" above shall provide to the department at least 30 days in advance of the beginning of construction on the project, a written statement which shall include the following:

(1) A detailed emissions estimate of the actual and potential emissions for the project for all regulated pollutants (as defined in 22.100), accompanied by documentation of the basis for the emission estimate;

(2) A detailed description of each change being made;

(3) The name and location of the facility;

(4) The height of the emission point or stack and the height of the highest building within 50 feet;

(5) The date for beginning actual construction and the date that operation will begin after the changes are made;

(6) A statement that the provisions of rules 22.4(455B) and 22.5(455B) do not apply;

(7) A statement that the accumulated emissions increases associated with each change under paragraph 22.1(2)"i," when totaled with other net emissions increases at the facility contemporaneous with the proposed change (occurring within five years before construction on the particular change commences) have not exceeded significant levels as defined in 40 CFR 52.21(b)(23) and adopted in rule 22.4, and will not prevent the attainment or maintenance of the ambient air quality standards specified in 567--Chapter 28(455B). This statement shall be accompanied by documentation for the basis of these statements.

(8) The written statement shall be notarized and shall contain certification by a responsible official as defined in 567 IAC 22.100(455B) of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item. 3. Add a subrule 22.3(6):

22.3(6) Limits on hazardous air pollutants. The department may limit a source's hazardous air pollutant potential to emit, as defined at 567--22.100(455B), in the source's construction permit for the purpose of establishing federally enforceable limits on the source's hazardous air pollutant potential to emit.

Item 4. Add a new rule 567--22.8(455B) as follows:
567--22.8(455B) Permit by rule.

22.8(1) Permit by rule for spray booths. Spray booths which comply with the requirements contained in this rule will be deemed to be in compliance with the requirements to obtain an air construction permit and an air operating permit. Spray booths which comply with this rule will be considered to have federally enforceable limits so that their potential emissions are less than the major source limits for regulated air pollutants and hazardous air pollutants as defined in 567--22.100(455B).

a. Definition. "Sprayed material" is material sprayed from spray equipment when used in the surface coating process in the spray booth, including but not limited to paint, solvents, and mixtures of paint and solvents.

b. Facilities which facility wide spray one gallon per day or less of sprayed material are exempt from all requirements, except that they must submit the certification in 22.8(5) to the department and keep records of daily sprayed material use. The facility must keep the records of daily sprayed material use for 18 months from the date to which the records apply.

c. Facilities which facility wide spray more than one gallon per day but never more than three gallons per day are exempt from all requirements, except that they must submit the certification in 22.8(5) to the department, keep records of daily sprayed material use, and vent emissions from spray booths through a stack which is at least 22 feet tall, measured from ground level. The facility must keep the records of daily sprayed material use for 18 months from the date to which the records apply.

d. Facilities which facility wide spray more than three gallons per day must comply with all applicable statutes and rules.

e. Facilities which claim to be permitted by provisions of this rule must submit to the department a written statement as follows:

"I certify that all pain booths at the facility and listed below are in compliance with all applicable requirements of rule 567 IAC 22.8(455B). I understand that this equipment shall be deemed permitted under the terms of rule 567 IAC 22.8(455B) only if all applicable requirements of 567 IAC 22.8(455B) are met. This certification is based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

The certification must be signed by one of the following individuals.

(1) For corporations, a principal executive officer of at least the level of vice-president, or a responsible official as defined at 567 IAC 22.100(455B).

(2) For partnerships, a general partner.

(3) For sole proprietorships, the proprietor.

(4) For municipal, state, county, or other public facilities, the principal executive officer or the ranking elected official.

These rules are intended to implement Iowa Code section 455B.133.

Date

Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes reviewed the rules and responsiveness summary. He pointed out a typing error on Page 6, under Item e, noting that it should read "paint booths" rather than "pain booths." He added that this rule will be very useful to small body shops and other spray paint operations.

*Motion was made by Verlon Britt to approve Final Rule--Chapter 22, Air Construction Permits.
Seconded by Gary Priebe.*

Terrance Townsend asked if the letters of authorization are going out in a relatively short time.

Mr. Stokes responded that when a complete application is received the authorization is sent out in approximately one week.

Commissioner Townsend asked that clarification be added under 22.1(2)"1" to explain how nonproduction analyses differs from production analyses.

Discussion followed regarding 22.1(2)"s"(8) in reference to the requirement that the written statement be notarized. Consensus was that notarization of the statement was not necessary.

Terrance Townsend recommended deleting the words "shall be notarized and" from 22.1(2)"s"(8) of the rule.

Vote on Commissioner Britt's motion (with noted corrections) carried unanimously.

APPROVED WITH MINOR AMENDMENTS

FINAL RULE--CHAPTERS 20, 22, 23, & 25, AIR QUALITY

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the as final the attached rules which amend Chapters 20, "Scope of Title - Definitions - Forms - Rules of Practice," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," and Chapter 25 "Measurement of Emissions."

These amendments include updates to references to federal regulations and corrections to the Title V operating permit and acid rain requirements in Chapter 22. A change to the Compliance Sampling Manual is also added.

Notice of Intended Action was published March 15, 1995, as ARC 5487A. The notice of intended Action stated that any interested person may make written suggestions or comments on the proposed rule prior to April 17, 1995. A public hearing was held April 17, 1995, for the purpose of receiving written and oral comments on the proposed rule.

No oral comments and 2 written comments were submitted. Due to comments received changes have been made in 1 item in the proposed rule. The dates proposed to be updated in the Notice of Intended Action have been made current.

(A copy of the rule and Responsiveness Summary is on file in the department's Records Center).

Mr. Stokes explained the rules and a change made as a result of public comment.

Motion was made by Kathryn Murphy to approve Final Rule--Chapters 20, 22, 23, and 25, Air Quality. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

COMMISSIONER ABSENT

Verlon Britt became ill and was absent for the remainder of the meeting.

PROPOSED RULE--CHAPTER 22, BACKGROUND VALUES FOR PM-10

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided a draft proposed rule for information only at this meeting. The Commission will be asked to approve a Notice of Intended Action to solicit public comment on these rules at their May 1995 meeting. The proposed rules will provide for the use of PM₁₀ (particulate matter with an aerometric diameter of 10 microns or less) background values for permitting and assessment purposes.

Dispersion modeling is often required to assess the impact of the emissions from an air contaminant source prior to issuance of a permit or for assessment purposes when monitored violations of the National Ambient Air Quality Standard (NAAQS) have been recorded. In many cases emissions from numerous other air contaminant sources located in the same area as the source being permitted must be included in the evaluation of ambient air impact. It is often expensive and time consuming for these other sources to be included in the modeling. An alternative would be for the department to establish background levels of air contaminants for various areas of the state which could be used in modeling the specific source in question, as opposed to individually modeling impacts from numerous sources.

The department has conducted an analysis of PM₁₀ background values across the state. The values derived from this analysis and included in this rule are to be added to modeled impacts of air contaminant sources to predict PM₁₀ levels in ambient air and eliminate the necessity of including all nearby sources of PM₁₀ in modeling procedures. PM₁₀ data from monitors located throughout the state have been analyzed to determine average levels of PM₁₀ in different types of environments. The analysis included PM₁₀ data from 1987 - 1991, the most recent years of data. Monitors located in heavily industrialized areas recorded higher values than those located in rural and urban areas, or areas of light industry. However, monitors located in these latter three types of areas did not show a significant difference in ambient air concentrations of PM₁₀. This phenomenon is possibly due to naturally occurring dust (probably a result of agricultural and construction activities) dominating the PM₁₀ concentrations in all but the most heavily industrialized areas of the state.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes distributed copies of the proposed rule and explained same.

Discussion followed regarding the national ambient air standard for PM₁₀ and how Iowa compares with other states.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 20 AND 22, REVISIONS TO VOLUNTARY OPERATING PERMIT RULES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action to begin formal rule making to amend Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The purpose of these amendments is to establish a definition of the term "12-month rolling period" and to revise and clarify the terms and conditions under which a source is eligible for a voluntary operating permit. The amendments also add a provision establishing that requirements included in a voluntary permit shall be enforceable as a practical matter under the state implementation plan.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The purpose of these amendments is to establish a definition of the term "12-month rolling period" and to revise and clarify the terms and conditions under which a source is eligible for a voluntary operating permit. These amendments add a definition to 20.2(455B) and 22.100(455B) for "12-month rolling period" providing a general definition applicable to this title and specifically to the voluntary operating permit program.

These amendments establish the conditions under which fugitive emissions must be considered in evaluating a source's emissions for the purpose of determining whether a source is eligible for a voluntary operating permit.

These amendments also restrict sources that are specifically required by Federal rule to obtain a Title V operating permit from obtaining a Voluntary operating permit.

Also included is a provision establishing that requirements included in a voluntary permit shall be enforceable as a practical matter under the state implementation plan.

Any person may make written suggestions or comments on the proposed rules on or before _____. Written comments should be directed to Catharine Fitzsimmons, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515) 281-8895.

A public hearing will be held on _____ at _____ in _____, at which time comments may be submitted orally or in writing.

Any persons who intends to attend a public hearing and have special requirements, such as hearing or mobility impairments, should contact the Department of Natural Resources to advise the Department of any specific needs.

These rules may impact small businesses.

These rules are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

ITEM 1. Amend rule 20.2 by adding the following unnumbered paragraph:
"12-month rolling period" means a period of twelve consecutive months determined on a rolling basis with a new 12 month period beginning on the first day of each calendar month.

ITEM 2. Amend rule 22.100 by adding the following unnumbered paragraph:
"12-month rolling period" means a period of twelve consecutive months determined on a rolling basis with a new 12 month period beginning on the first day of each calendar month.

ITEM 3. Amend rule 22.200 as follows:
567--22.200(455B) Definitions for voluntary operating permits. For the purposes of rules 22.200(455B) to ~~22.207(455B)~~ 22.208(455B), the definitions shall be the same as the definitions found at rule 22.100(455B).

ITEM 4. Amend paragraphs 22.201(1)"a" through "d" as follows:
a. That the potential to emit, as limited by the conditions of air quality permits obtained from the department, of each regulated air pollutant shall be limited to less than 100 tons per 12-month rolling period. The fugitive emissions of each regulated air pollutant from a stationary source shall not be considered in determining the potential to emit unless the source belongs to one of the stationary source categories listed in this chapter;

b. That the actual emissions of each regulated air pollutant have been and are predicted to be less than 100 tons per 12-month rolling period. The fugitive emissions of each regulated air pollutant from a stationary source shall not be considered in determining the actual emissions unless the source belongs to one of the stationary source categories listed in this chapter; and

c. That the potential to emit of each regulated hazardous air pollutant, including fugitive emissions, shall be less than 10 tons per 12-month rolling period and the potential to emit of all regulated hazardous air pollutants, including fugitive emissions, shall be less than 25 tons per 12-month rolling period; and

d. That the actual emissions of each regulated hazardous air pollutant, including fugitive emissions, have been and are predicted to be less than 10 tons per 12-month rolling period and the actual emissions of all regulated hazardous air pollutants, including fugitive emissions, have been and are predicted to be less than 25 tons per 12-month rolling period.

ITEM 5. Amend paragraph 22.201(2)"a" as follows:

a. Any affected source subject to the provisions of Title IV of the Act or sources required to obtain a Title V operating permit under paragraph 567--22.101(1)"e" or any solid waste incinerator unit required to obtain a Title V operating permit under section 129(e) of the Act is not eligible for a voluntary operating permit.

ITEM 6. Amend paragraph 22.206(2)"c" as follows:

c. All emission limitations, all controls, and all other requirements included in a voluntary permit shall be at least as stringent as any other applicable limitation or requirement in the state implementation plan or enforceable as a practical matter under the state implementation plan. For the purposes of this paragraph, "enforceable as a practical matter under the state implementation plan" shall mean that the provisions of the permit shall specify technically accurate limitations and the portions of the source subject to each limitation; the time period for the limitation (hourly, daily, monthly, annually); and the method to determine compliance including appropriate monitoring, record keeping and reporting.

Mr. Stokes reviewed the rules in detail.

Motion was made by Terrance Townsend to approve Notice of Intended Action--Chapter 20 and 22, Revisions to Voluntary Operating Permit Rules. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 22 AND 23, STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action to begin rule making to amend Chapter 22, "Controlling Pollution," and to add a new rule to Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code. The purpose of this rule-making is to update references to federal regulations and adopt, by reference, federal standards for hazardous air pollutants which are required to be adopted by the state as a part of the Title V Operating permit program. Section 112(l) of the Clean Air Act (CAA) establishes the mechanism necessary for states to meet the obligation to administer these standards. In accord with Section 112(l) all current federal standards for hazardous air pollutants for source categories must be adopted by the state at the time of Title V program approval. As additional federal standards are issued, the state will be required to adopt, by reference, federal standards for hazardous air pollutants for additional source categories (174 in total). Specific hazardous air pollutants listed in Title III of the Clean Air Act Amendments of 1990 are regulated for the designated source categories.

This rule also adopts, by reference, 40 CFR Part 63 Subpart B, as required for administration of the Title V operating permit program. This Subpart establishes requirements regulating major sources of hazardous air pollutants in the event that EPA lags more than 18 months behind schedule (112(d)) in issuing a control technology standard for an industry. Upon this 18 month deadline, the owner or operator of each major source with emission units in that category must apply for a case-by-case determination of the maximum achievable control technology (MACT). MACT determinations for emission units subject to case-by-case determination of equivalent emission limitations must be incorporated into the Title V operating permit for the affected source. The rule also establishes a requirement that sources come into compliance with standards subsequently issued by EPA under 40 CFR 63, and adopted by the state, in cases where a case-by-case MACT is in the process of being applied for or has already been incorporated into an operating permit.

This rule also adopts by reference 40 CFR 63 Subpart D, which sets conditions under which sources may voluntarily elect to reduce emissions of hazardous air pollutants in exchange for a compliance extension.

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," and Chapter 23, "Emission Standards," Iowa Administrative Code. The purpose of this rule-making is to update references to federal regulations and to adopt, by reference, the federal standards for hazardous air pollutants for source categories. The hazardous air pollutant standards are required to be adopted by the state as a part of the Title V Operating permit program delegation of authority. Section 112(l) of the federal Clean Air Act Amendments of 1990 establishes the mechanism necessary for the state to meet the obligation to administer these standards. In accord with Section 112(l) all current federal standards for hazardous air pollutants for source categories must be adopted by the state at the time of Title V program approval. Standards may apply to major sources, area sources or both.

The federal standards (40 CFR Part 63) to be adopted include: General Provisions (Subpart A), Synthetic Organic Chemical Manufacturing Industry (Subparts F, G, H, and I), Coke Ovens (Subpart L), Dry Cleaners (Subpart M), Hard and Decorative Chromium Electroplating and Anodizing Tanks (Subpart N), Ethylene Oxide Commercial Sterilizers and Fumigation Operations (Subpart O), Chromium Emissions from Industrial Process Cooling Towers (Subpart Q), Gasoline Distribution Facilities (Subpart R), Halogenated Solvent Cleaning Machines (Subpart T), Epoxy Resins Production and Non-Nylon Polyamides Production (Subpart W), and Magnetic Tape Manufacturing Operations (Subpart EE).

Subpart B, requirements for control technology determinations for major sources in accordance with Clean Air Act sections 112(g) and 112(j), establishes requirements for regulation of major sources of hazardous air pollutants in the event that EPA lags more than 18 months behind the schedule established in 112(d) for issuing a control technology standard for a source category. If EPA has failed to promulgate a standard for that source category by 18 months after the 112(d) deadline, the owner or operator of each major source with emission units in that category must apply for a case-by-case determination of the maximum achievable control technology (MACT) from the state.

Subpart D, regulations governing compliance extensions for early reductions of hazardous air pollutants, establishes the conditions under which sources may voluntarily elect to reduce the emissions of hazardous air pollutants in exchange for a compliance extension.

Any person may make written suggestions or comments on the proposed rules on or before _____. Written comments should be directed to Catharine Fitzsimmons, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515) 281-8895. A public hearing will be held on _____ at _____ in _____, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as hearing or mobility impairments, should contact the Department of Natural Resources to advise the Department of any specific needs.

These rules may impact small businesses.

These rules are intended to implement Iowa Code section 455B.133.

The following rules are proposed:

ITEM 1. Amend the first paragraph of 22.5(2)"a" as follows:

a. Particulate matter nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated nonattainment for particulate matter in 40 CFR §81.316

(as amended through ~~March 10, 1994~~ April 11, 1994), then emission offsets must be achieved prior to startup.

ITEM 2. Amend the first paragraph of 22.5(2)"b" as follows:

b. Sulfur dioxide nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated nonattainment for sulfur dioxide in 40 CFR §81.316 (as amended through ~~March 10, 1994~~ April 11, 1994), then emission offsets must be achieved prior to startup.

ITEM 3. Amend the following definitions in rule 567--22.100 as follows:

"Applicable requirement" includes the following:

1. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rule making under title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52 as amended through ~~July 30, 1993~~ August 4, 1994;

"Designated representative" means a responsible natural person authorized by the owner(s) or operator(s) of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with Subpart B of 40 CFR Part 72 as amended to ~~July 30, 1993~~ November 22, 1994, to represent and legally bind each owner and operator, as a matter of law, in matters pertaining to the acid rain program. Whenever the term "responsible official" is used in rules 22.100(455B) to ~~22.116(455B)~~ 22.208(455B), it shall be deemed to refer to the designated representative with regard to all matters under the acid rain program.

"EPA reference method" means any method of sampling and analyzing for an air pollutant as described in 40 CFR 51, Appendix M, as amended through ~~July 20, 1993~~ January 5, 1995; 40 CFR 52, Appendices D and E, as amended through ~~July 20, 1993~~ August 4, 1994; 40 CFR 60 ~~Appendix Appendices A, B, C, and F~~, as amended through ~~May 17, 1993~~ December 15, 1994; 40 CFR 61, Appendix B, as amended through ~~June 25, 1993~~ July 15, 1994; 40 CFR 63, Appendix A, as amended through ~~October 27, 1993~~ March 8, 1995; and 40 CFR 75, Appendices A, B, and H, and amended through ~~July 20 1993~~ August 18, 1994.

"Existing hazardous air pollutant source" means any source as defined in 40 CFR 61 (as amended through ~~June 25, 1993~~ July 15, 1994) and 40 CFR 63.72 (as amended through ~~October 27, 1993~~ March 8, 1995) with respect to section 112(i)(5) of the Act, the construction or reconstruction of which commenced prior to proposal of an applicable section 112(d) standard.

ITEM 4. Amend paragraph 22.103(1)"a" as follows:

a. An emission unit which has the potential to emit less than:
4000 lbs per year of carbon monoxide,
1600 lbs per year of nitrogen oxides,
1600 lbs per year of sulfur dioxides,
1000 lbs per year of particulate matter,
600 lbs per year of PM-10,
1600 lbs per year of volatile organic compounds,
24 lbs per year of lead,
120 lbs per year of fluorides,

280 lbs per year of sulfuric acid mists,
400 lbs per year of total reduced sulfur compounds,
20 lbs per year of any hazardous air pollutant except high-risk pollutants, or
20 lbs per year of any high-risk air pollutant divided by the weighting factor ~~defined in 40 CFR 63.74, Table 1, as adopted December 29, 1992~~ established in the definition of "High risk pollutant" in 567--22.100.

ITEM 5. Amend subrule 22.105(3) as follows:

22.105(3) Hazardous air pollutant early reduction application. Anyone requesting a compliance extension from a standard issued under 112(d) of the Act must submit with its Title V permit application information that complies with the requirements ~~of 40 CFR 63, Subpart D, as amended through October 27, 1993~~ established in 567--23.1(4)"d."

ITEM 6. Amend paragraph 22.107(1)"c" as follows:

c. Prioritization of applications. The director shall give priority to action on Title V applications involving construction or modification for which a construction permit pursuant to subrule 22.1(1) or Title I of the Act, Parts C and D, is also required. The director also shall give priority to action on Title V applications involving early reduction of hazardous air pollutants pursuant to ~~40 CFR 63, Subpart D, as amended through October 27, 1993~~ 567--23.1(4)"d."

ITEM 7. Amend subrule 22.107(5) as follows:

22.107(5) Hazardous air pollutant early reduction application evaluation review will follow the procedures ~~contained in 40 CFR 63, Subpart D, as amended through October 27, 1993~~ established in 567-- 23.1(4)"d."

ITEM 8. Insert the following new subrule 567--23.1(4)(455B) and renumber **subrules 567--23.1(4)(455B) to 567--23.1(5)(455B).**

23.1(4) Emission standards for hazardous air pollutants. The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended through March 8, 1995 are adopted by reference, except 40 CFR § 63.12, 63.14, 63.15, and shall apply to the following affected facilities. The corresponding 40 CFR Part 63 Subpart designation is in parentheses. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (F_{bio}) in a biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purpose of this subrule "hazardous air pollutant" has the same meaning found in 567--22.100. For the purposes of this subrule a "major source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule an "area source" means any stationary source of hazardous air pollutants that is not a major stationary source as defined in this paragraph. Paragraph 23.1(4)"a," general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR 63 (except when

otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

a. General provisions. General provisions apply to owners or operators of affected activities or facilities except when otherwise specified in a particular subpart or in a relevant standard. (Subpart A)

b. Requirements for control technology determinations for major sources in accordance with Clean Air Act sections 112(g) and 112(j). The owner or operator of a new or existing major source of hazardous air pollutants which includes one or more stationary sources included in a source category or subcategory for which the U.S. Environmental Protection Agency has failed to promulgate an emission standard within 18 months of the deadline established under 112(d) must submit an application for a Title V permit or an application for a significant permit modification or for an administrative amendment, whichever is applicable. The application must be made in accordance with procedures established under Title V, by the section 112(j) deadline. In addition, the owner or operator of a new emission unit may submit an application for a Notice of MACT Approval before construction. (Subpart B)

c. [Reserved]

d. Compliance extensions for early reductions of hazardous air pollutants. Compliance extensions for early reductions of hazardous air pollutants are available to certain owners or operators of an existing sources who wish to obtain a compliance extension from a standard issued under section 112(d) of the Act. (Subpart D)

e. [Reserved]

f. Emission standards for organic hazardous air pollutants from the synthetic chemical manufacturing industry. These standards apply to chemical manufacturing process units that are part of a major source. Includes applicability provisions, definitions and other general provisions that are applicable to subparts F, G, and H of 40 CFR 63. (Subpart F)

g. Emission standards for organic hazardous air pollutants from the synthetic organic chemical manufacturing industry for process vents, storage vessels, transfer operations, and waste water. These standards apply to all process vents, storage vessels, transfer racks, and wastewater streams within a source subject to subpart F of 40 CFR 63. (Subpart G)

h. Emission standards for organic hazardous air pollutants for equipment leaks. These standards apply to emissions of designated organic hazardous air pollutants from specified processes that are located at a plant site that is a major source. Affected equipment includes: pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems and control devices or systems required by this subpart that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR part 63. (Subpart H)

i. Emission standards for organic hazardous air pollutants for certain processes subject to negotiated regulation for equipment leaks. These standards apply to emissions of designated organic hazardous air pollutants from specified processes that are located at a plant site that is a major source. Subject equipment includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, and instrumentation systems at certain source categories. These standards establish the applicability of subpart H for sources that are not classified as synthetic organic chemical manufacturing industries. (Subpart I)

j. [Reserved]

k. [Reserved]

l. Emission standards for coke oven batteries. These standards apply to existing coke oven batteries, including by-product and nonrecovery coke oven batteries and to new coke oven batteries, or as defined in the subpart. (Subpart L)

m. Perchloroethylene air emission standards for dry cleaning facilities. These standards apply to the owner or operator of each dry cleaning facility that uses perchloroethylene. New and existing major source dry cleaning facilities are required to control emissions to the level of the maximum achievable control technology (MACT). New and existing area source dry cleaning facilities are required to control emissions to the level achieved by generally available control technologies (GACT) or management practices. All coin-operated dry cleaning machines are exempt from the requirements of this subpart. (Subpart M)

n. Emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks. These standards apply limit the discharge of chromium compound air emissions from existing and new hard chromium electroplating, decorative chromium electroplating, and chromium anodizing tanks at major and area sources. (Subpart N)

o. Emission standards for hazardous air pollutants for ethylene oxide commercial sterilization and fumigation operations. New and existing major source ethylene oxide commercial sterilization and fumigation operations are required to control emissions to the level of the maximum achievable control technology (MACT). New and existing area source ethylene oxide commercial sterilization and fumigation operations are required to control emissions to the level achieved by generally available control technologies (GACT). Certain sources are exempt as described in 40 CFR 63.360. (Subpart O)

p. [Reserved]

q. Emission standards for hazardous air pollutants for industrial process cooling towers. These standards apply to all new and existing industrial process cooling towers that are operated with chromium-based water treatment chemicals on or after September 8, 1994 and are either major sources or are integral parts of facilities that are major sources. (Subpart Q)

r. Emission standards for hazardous air pollutants for sources categories: Gasoline distribution: (Stage 1). These standards apply to all existing and new bulk gasoline terminals and pipeline breakout stations that are major sources of hazardous air pollutants or are located at plant sites that are major sources. (Subpart R)

s. [Reserved]

t. Emission standards for hazardous air pollutants: Halogenated solvent cleaning. These standards require batch vapor solvent cleaning machines and in-line solvent cleaning machines to meet emission standards reflecting the application of maximum achievable control technology (MACT) for major and area sources; area source batch cold cleaning machines are required to achieve generally available control technology (GACT). The subpart regulates the emissions of the following halogenated hazardous air pollutant solvents: methylene chloride, perchloroethylene, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, and chloroform. (Subpart T)

u. [Reserved]

v. [Reserved]

w. Emission standards for hazardous air pollutants for epoxy resins production and non-nylon polyamides production. These standards apply to all existing, new and reconstructed manufacturers of basic liquid epoxy resins and manufacturers of wet strength resins that are located at a plant site that is a major source. (Subpart W)

x. [Reserved]

y. [Reserved]

z. [Reserved]

aa. [Reserved]

bb. [Reserved]

cc. [Reserved]

dd. [Reserved]

ee. Emission standards for magnetic tape manufacturing operations. These standards apply to major sources performing magnetic tape manufacturing operations. (Subpart EE)

Mr. Stokes briefly reviewed the rules.

Motion was made by Kathryn Murphy to approve Notice of Intended Action--Chapter 22 and 23, Standards for Hazardous Air Pollutants for Source Categories. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED CONTESTED CASE DECISION--JAMES BROCK

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On December 17, 1993, the department issued Administrative Order No. 93-UT-36 to James and Robert Brock. That action required the parties to comply with monitoring requirements and pay an administrative penalty. That action was appealed by the parties. Default judgment was entered against Robert Brock on June 24, 1994, and the matter proceeded to administrative hearing on July 7, 1994, relating to James Brock's appeal. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on April 11, 1995. The decision affirms the Order, with the exception of finding James Brock liable only as an operator, and not an owner.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy explained the contested case process for the benefit of the new Commissioners. He then briefed the Commission on the history of this case dealing with a UST monitoring deficiency and an unpaid administrative penalty.

The Commission took no action; this has the effect of upholding the ALJ decision in the absence of an appeal.

ALJ DECISION UPHELD

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Curry Environmental Services, Inc. (Milan, IL) - penalty collection
- b. Terry Beaird, d/b/a Curry Environmental Services, Inc. (Marion) - penalty collection
- c. Paul Underwood, d/b/a Underwood Excavating and Demolition (Cedar Rapids) - penalty collection

Curry Environmental Services, Inc.

Mr. Murphy explained the referral process. He briefed the Commission on the history of this case regarding a penalty collection for violations of the asbestos law.

<i>Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.</i>
--

REFERRED

Terry Beaird, d/b/a Curry Environmental Services, Inc.

Mr. Murphy briefed the Commission on the history of this case noting that it is related to the previous referral but is not the same case. Mr. Beaird was at one time an employee of Curry

Environmental Services and has since gone on his own. Mr. Murphy related that Mr. Beaird incurred his own violations of similar problems dealing with asbestos.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.

REFERRED

Paul Underwood, d/b/a Underwood Excavating & Demolition

Mr. Murphy briefed the Commission on the history of this case involving illegal asbestos removal.

Motion was made by Kathryn Murphy for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously

REFERRED

LEGISLATION UPDATE

Don Paulin, Deputy Director, presented a status update on the following bills:

- Air Toxics; Temporary Fee - Repealed
- Appropriations Bill - allocates 2 new FTE's for livestock regulations; Water Fees are \$350,000 short of the 1.6 million needed as some general fund money was wiped out.
- Beverage Bill - did not pass
- Coal, Eliminates \$300 Bid Minimum - signed by Governor
- Environmental Audit Privileges - gives manufacturers immunity from voluntary audits being used against them - passed the House but no action in the Senate
- Garbage Bags Content - no longer need starch base content but will now need to have a recycled plastic content from 10% up to 50%
- General Permits - passed for air program and a second bill moved general permitting into the land and water areas
- Grain Storage Emissions - there is a moratorium on this until the state gets delegation of the federal air program
- Livestock Bill - passed
- LUST, RBCA - passed
- Oil Spills, Limits Liability - passed
- Pesticides, Reduces Notification - passed
- Polystyrene, Eliminate Ban to Landfill - signed by Governor
- Solid Waste Tonnage Fees - signed by Governor
- Solid Waste Dumping Bill (Supreme Court ruling) - rejected
- 10 Year Moratorium on Wastewater Treatment Plants - rejected

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- Takings Bill - passed the House and awaits action in the Senate
- Waste Tires - no action this year

Mr. Paulin distributed to each Commissioner a summarized copy showing the status of bills of interest to the department.

Discussion followed in regard to the bill relating to the use of red dye in diesel fuel.

INFORMATIONAL ONLY

ADDRESS ITEMS FOR NEXT MEETING

Director Wilson stated that a field trip is planned for Tuesday, June 20. He noted that Organic Technologies has been dropped from the tour schedule and another facility will be added to the tour.

Chairperson King suggested touring a tire processing facility in place of Organic Technologies.

GENERAL DISCUSSION

Kathryn Murphy called attention to the Iowa Conservationist article about a recycling project by several fifth grade classes from LeMars. She related that they have recycled a record amount of paper and money from the project has been used to purchase playground equipment and for library improvements at their schools.

Charlotte Mohr reported that the Scott County Board of Health recently held their annual meeting and honored Al Goldberg (Washington Field Office) for his commitment to the city and the environment. She related that the award was presented with great pride, adding that they have a real good working relationship with the field office.

NEXT MEETING DATES


June 19, 1995

July 17, 1995

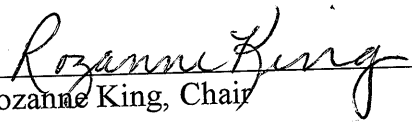
August 21, 1995

ADJOURNMENT

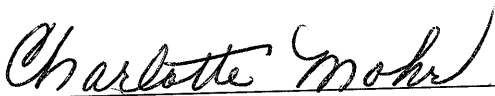
With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 2:05 p.m., Monday, May 15, 1995.



Larry J. Wilson, Director



Rozanne King, Chair



Charlotte Mohr, Secretary

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